

By Senator Diaz-Balart

37-1329A-00

1                                   A bill to be entitled  
 2           An act relating to student fees; amending s.  
 3           239.115, F.S.; revising the requirements for  
 4           state funding of workforce development  
 5           education; amending s. 239.117, F.S.; requiring  
 6           that a local WAGES coalition pay the total  
 7           costs incurred by WAGES clients enrolled in an  
 8           employment and training program; limiting the  
 9           total value of fee waivers that may be granted  
 10          by a school district or community college;  
 11          revising requirements for setting a fee  
 12          schedule for workforce development education,  
 13          adult programs, and certificate career  
 14          education programs; revising the formula for  
 15          setting fees for financial aid; deleting a  
 16          limitation on the use of technology fees;  
 17          amending s. 240.35, F.S.; providing for payment  
 18          of the total costs incurred by WAGES clients  
 19          enrolled at a community college; requiring that  
 20          the matriculation fee be used for safety and  
 21          security purposes under certain circumstances;  
 22          revising the method of calculating the fee for  
 23          capital improvements, technology enhancements,  
 24          and student buildings; providing an effective  
 25          date.

26  
 27 Be It Enacted by the Legislature of the State of Florida:

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 29           Section 1.   Section 239.115, Florida Statutes, is  
 30 amended to read:

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1           239.115 Funds for operation of adult general education  
2 and adult vocational education programs.--

3           (1) As used in this section, the terms "workforce  
4 development education" and "workforce development program"  
5 include:

6           (a) Adult general education programs designed to  
7 improve the employability skills of the state's workforce  
8 through adult basic education, adult secondary education, GED  
9 preparation, and vocational-preparatory education.

10           (b) Vocational certificate programs, including courses  
11 that lead to an occupational completion point within a program  
12 that terminates in either a certificate, a diploma or a  
13 degree.

14           (c) Applied technology diploma programs.

15           (d) Continuing workforce education courses.

16           (e) Degree vocational education programs.

17           (f) Apprenticeship and preapprenticeship programs as  
18 defined in s. 446.021.

19           (2) Any workforce development education program may be  
20 conducted by a community college or a school district, except  
21 that college credit and an associate in science degree may be  
22 awarded only by a community college. However, if an associate  
23 in science degree program contains within it an occupational  
24 completion point that confers a certificate or an applied  
25 technology diploma, that portion of the program may be  
26 conducted by a school district technical center. Any  
27 instruction designed to articulate to a degree program is  
28 subject to guidelines and standards adopted by the  
29 Articulation Coordinating Committee pursuant to s.  
30 229.551(1)(g).  
31

1           (3) If a program for disabled adults pursuant to s.  
2 239.301 is a workforce development program as defined in law  
3 it must be funded as provided in this section.

4           (4) The Florida Workforce Development Education Fund  
5 is created to provide performance-based funding for all  
6 workforce development programs, whether the programs are  
7 offered by a school district or a community college. Funding  
8 for all workforce development education programs must be from  
9 the Workforce Development Education Fund and must be based on  
10 cost categories, performance output measures, and performance  
11 outcome measures. This subsection takes effect July 1, 1999.

12           (a) The cost categories must be calculated to identify  
13 high-cost programs, medium-cost programs, and low-cost  
14 programs. The cost analysis used to calculate and assign a  
15 program of study to a cost category must include at least both  
16 direct and indirect instructional costs, consumable supplies,  
17 equipment, and standard program length.

18           (b)1. The performance output measure for vocational  
19 education programs of study is student completion of a  
20 vocational program of study that leads to an occupational  
21 completion point associated with a certificate; an  
22 apprenticeship program; or a program that leads to an applied  
23 technology diploma or an associate in science degree.  
24 Performance output measures for registered apprenticeship  
25 programs shall be based on program lengths that coincide with  
26 lengths established pursuant to the requirements of chapter  
27 446.

28           2. The performance output measure for an adult general  
29 education course of study is measurable improvement in student  
30 skills. This measure shall include improvement in literacy  
31 skills, grade level improvement as measured by an approved

1 test, or attainment of a general education development diploma  
2 or an adult high school diploma.

3 (c) The performance outcome measures for programs  
4 funded through the Workforce Development Education Fund are  
5 associated with placement and retention of students after  
6 reaching a completion point or completing a program of study.  
7 These measures include placement or retention in employment  
8 that is related to the program of study; placement into or  
9 retention in employment in an occupation on the Occupational  
10 Forecasting Conference list of high-wage, high-skill  
11 occupations with sufficient openings; and placement and  
12 retention of WAGES clients or former WAGES clients in  
13 employment. Continuing postsecondary education at a level that  
14 will further enhance employment is a performance outcome for  
15 adult general education programs. Placement and retention must  
16 be reported pursuant to ss. 229.8075 and 239.233.

17 (5) Effective July 1, 1999, for school districts  
18 providing adult basic education for the elderly to at least  
19 10,000 students during fiscal year 1996-1997, and to at least  
20 10,000 students during subsequent fiscal years, funds for  
21 these adult basic education courses for the elderly may be  
22 provided in a separate categorical subject to provisions  
23 defined in the General Appropriations Act. Unless exempt  
24 pursuant to s. 239.117, fees for these courses shall be set at  
25 no less than 10 percent of the average cost of instruction.

26 (6) State funding and student fees for workforce  
27 development instruction funded through the Workforce  
28 Development Education Fund shall be established as follows:

29 (a) For a continuing workforce education course, state  
30 funding shall equal 50 percent of the cost of instruction,  
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1 with student fees, business support, quick-response training  
2 funds, or other means making up the remaining 50 percent.

3 (b) For all other workforce development education  
4 funded through the Workforce Development Education Fund, state  
5 funding shall equal at least 75 percent of the average cost of  
6 instruction with the remaining amount ~~25 percent~~ made up from  
7 student fees. Fees for courses within a program shall not  
8 vary according to the cost of the individual program, but  
9 instead shall be based on a uniform fee calculated and set at  
10 the state level, as adopted by the State Board of Education,  
11 unless otherwise specified in the General Appropriations Act.

12 (c) For fee-exempt students pursuant to s. 239.117,  
13 unless otherwise provided for in law, state funding shall  
14 equal 100 percent of the average cost of instruction.

15 (7) Beginning in fiscal year 1999-2000, a school  
16 district or a community college that provides workforce  
17 development education funded through the Workforce Development  
18 Education Fund shall receive funds in accordance with  
19 distributions for base and performance funding established by  
20 the Legislature in the General Appropriations Act, pursuant to  
21 the following conditions:

22 (a) Base funding shall not exceed 85 percent of the  
23 current fiscal year total Workforce Development Education Fund  
24 allocation, which shall be distributed by the Legislature in  
25 the General Appropriations Act based on a maximum of 85  
26 percent of the institution's prior year total allocation from  
27 base and performance funds.

28 (b) Performance funding shall be at least 15 percent  
29 of the current fiscal year total Workforce Development  
30 Education Fund allocation, which shall be distributed by the  
31 Legislature in the General Appropriations Act based on the

1 previous fiscal year's achievement of output and outcomes in  
2 accordance with formulas adopted pursuant to subsection (9).  
3 Performance funding must incorporate payments for at least  
4 three levels of placements that reflect wages and workforce  
5 demand. Payments for completions must not exceed 60 percent of  
6 the payments for placement. For fiscal year 1999-2000, school  
7 districts and community colleges shall be awarded funds  
8 pursuant to this paragraph based on performance output data  
9 generated for fiscal year 1998-1999 and performance outcome  
10 data available in that year.

11 (c) If a local educational agency achieves a level of  
12 performance sufficient to generate a full allocation as  
13 authorized by the workforce development funding formula, the  
14 agency may earn performance incentive funds as appropriated  
15 for that purpose in a General Appropriations Act. If  
16 performance incentive funds are funded and awarded, these  
17 funds must be added to the local educational agency's prior  
18 year total allocation from the Workforce Development Education  
19 Fund and shall be used to calculate the following year's base  
20 funding.

21 (8) A school district or community college that earns  
22 performance funding must use the money to benefit the  
23 postsecondary vocational and adult education programs it  
24 provides. The money may be used for equipment upgrades,  
25 program expansions, or any other use that would result in  
26 workforce development program improvement. The school board or  
27 community college board of trustees may not withhold any  
28 portion of the performance funding for indirect costs.  
29 Notwithstanding s. 216.351, funds awarded pursuant to this  
30 section may be carried across fiscal years and shall not  
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1 revert to any other fund maintained by the school board or  
2 community college board of trustees.

3 (9) The Department of Education, the State Board of  
4 Community Colleges, and the Jobs and Education Partnership  
5 shall provide the Legislature with recommended formulas,  
6 criteria, timeframes, and mechanisms for distributing  
7 performance funds. The commissioner shall consolidate the  
8 recommendations and develop a consensus proposal for funding.  
9 The Legislature shall adopt a formula and distribute the  
10 performance funds to the Division of Community Colleges and  
11 the Division of Workforce Development through the General  
12 Appropriations Act. These recommendations shall be based on  
13 formulas that would discourage low-performing or low-demand  
14 programs and encourage through performance-funding awards:

15 (a) Programs that prepare people to enter high-wage  
16 occupations identified by the Occupational Forecasting  
17 Conference created by s. 216.136 and other programs as  
18 approved by the Jobs and Education Partnership. At a minimum,  
19 performance incentives shall be calculated for adults who  
20 reach completion points or complete programs that lead to  
21 specified high-wage employment and to their placement in that  
22 employment.

23 (b) Programs that successfully prepare adults who are  
24 eligible for public assistance, economically disadvantaged,  
25 disabled, not proficient in English, or dislocated workers for  
26 high-wage occupations. At a minimum, performance incentives  
27 shall be calculated at an enhanced value for the completion of  
28 adults identified in this paragraph and job placement of such  
29 adults upon completion. In addition, adjustments may be made  
30 in payments for job placements for areas of high unemployment.

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1           (c) Programs identified by the Jobs and Education  
2 Partnership as increasing the effectiveness and cost  
3 efficiency of education.

4           (10) A high school student dually enrolled under s.  
5 240.116 in a workforce development program funded through the  
6 Workforce Development Education Fund and operated by a  
7 community college or school district technical center  
8 generates the amount calculated by the Workforce Development  
9 Education Fund, including any payment of performance funding,  
10 and the proportional share of full-time equivalent enrollment  
11 generated through the Florida Education Finance Program for  
12 the student's enrollment in a high school. If a high school  
13 student is dually enrolled in a community college program,  
14 including a program conducted at a high school, the community  
15 college earns the funds generated through the Workforce  
16 Development Education Fund and the school district earns the  
17 proportional share of full-time equivalent funding from the  
18 Florida Education Finance Program. If a student is dually  
19 enrolled in a technical center operated by the same district  
20 as the district in which the student attends high school, that  
21 district earns the funds generated through the Workforce  
22 Development Education Fund and also earns the proportional  
23 share of full-time equivalent funding from the Florida  
24 Education Finance Program. If a student is dually enrolled in  
25 a workforce development program provided by a technical center  
26 operated by a different school district, the funds must be  
27 divided between the two school districts proportionally from  
28 the two funding sources. A student may not be reported for  
29 funding in a dual enrollment workforce development program  
30 unless the student has completed the basic skills assessment  
31 pursuant to s. 239.213.



1           (11) The Department of Education may adopt rules to  
2 administer this section.

3           (12) The Auditor General shall annually audit the  
4 Workforce Development Education Fund. The Office of Program  
5 Policy Analysis and Government Accountability shall review the  
6 workforce development program and provide a report to the  
7 Legislature by December 31, 2000, and thereafter at the  
8 direction of the Joint Legislative Auditing Committee. Such  
9 audits and reviews shall be based on source data at the  
10 community colleges and school districts.

11           Section 2. Paragraph (d) of subsection (4), subsection  
12 (5), paragraph (a) of subsection (6), and subsections (7),  
13 (8), and (18) of section 239.117, Florida Statutes, are  
14 amended to read:

15           239.117 Workforce development postsecondary student  
16 fees.--

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

19           (d) A student enrolled in an employment and training  
20 program under the WAGES Program. The local WAGES coalition  
21 shall pay the community college or school district for the  
22 total costs incurred for WAGES clients.

23           (5) School districts and community colleges may waive  
24 fees for any fee-nonexempt student. The total value of fee  
25 waivers granted by the school district or community college  
26 may not exceed 8 percent of the enrollment hours for the  
27 postsecondary vocational certificate program of the district  
28 or community college or an ~~the~~ amount established annually in  
29 the General Appropriations Act. Any student whose fees are  
30 waived in excess of the authorized amount may not be reported  
31 for state funding purposes. Any school district or community

1 college that waives fees and requests state funding for a  
2 student in violation of the provisions of this section shall  
3 be penalized at a rate equal to 2 times the value of the  
4 full-time student enrollment reported.

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

27 (7) Each year the State Board of Community Colleges  
28 shall review and evaluate the percentage of the cost of adult  
29 programs and certificate career education programs supported  
30 through student fees. For students who are residents for  
31 tuition purposes, the schedule so adopted must produce

1 revenues up ~~equal~~ to 25 percent of the prior year's average  
2 program cost for college-preparatory and certificate-level  
3 workforce development programs. Fees for continuing workforce  
4 education shall be locally determined by the school board or  
5 community college. However, at least 50 percent of the  
6 expenditures for the continuing workforce education program  
7 provided by the community college or school district must be  
8 derived from fees. Fees for students who are not residents for  
9 tuition purposes must offset the full cost of instruction.

10 (8) Each school board and community college board of  
11 trustees may establish a separate fee for financial aid  
12 purposes in an additional amount of up to 5 ~~10~~ percent of the  
13 student fees collected for workforce development programs  
14 funded through the Workforce Development Education Fund. All  
15 fees collected shall be deposited into a separate workforce  
16 development student financial aid fee trust fund of the  
17 district or community college to support students enrolled in  
18 workforce development programs. Any undisbursed balance  
19 remaining in the trust fund and interest income accruing to  
20 investments from the trust fund shall increase the total funds  
21 available for distribution to workforce development education  
22 students. Awards shall be based on student financial need and  
23 distributed in accordance with a nationally recognized system  
24 of need analysis approved by the State Board for Career  
25 Education. Fees collected pursuant to this subsection shall be  
26 allocated in an expeditious manner.

27 (18) Each district school board and community college  
28 district board of trustees is authorized to establish a  
29 separate fee for technology, not to exceed \$1.80 per credit  
30 hour or credit-hour equivalent for resident students and not  
31 more than \$5.40 per credit hour or credit-hour equivalent for

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

10 Section 3. Subsections (3), (7), (10), and (14) of  
11 section 240.35, Florida Statutes, are amended to read:

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

18 (3) Students enrolled in dual enrollment and early  
19 admission programs under s. 240.116 and students enrolled in  
20 employment and training programs under the WAGES Program are  
21 exempt from the payment of registration, matriculation, and  
22 laboratory fees; however, such students may not be included  
23 within calculations of fee-waived enrollments. The local WAGES  
24 coalition shall pay the community college for the total costs  
25 incurred by that WAGES participant related to that person's  
26 classes or program. Other fee-exempt instruction provided  
27 under this subsection generates an additional one-fourth  
28 full-time equivalent enrollment.

29 (7) Each community college board of trustees shall  
30 establish matriculation and tuition fees, which may vary no  
31 more than 10 percent below and 15 percent above the fee

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

23 (10) Each community college district board of trustees  
24 may establish a separate activity and service fee not to  
25 exceed 10 percent of the matriculation fee, according to rules  
26 of the State Board of Education. The student activity and  
27 service fee shall be collected as a component part of the  
28 registration and tuition fees. The student activity and  
29 service fees shall be paid into a student activity and service  
30 fund at the community college and shall be expended for lawful  
31 purposes to directly benefit the student body in general.

1 These purposes include, but are not limited to, student  
2 publications and grants to duly recognized student  
3 organizations, the membership of which is open to all students  
4 at the community college without regard to race, sex, or  
5 religion.

6 (14) Each community college board of trustees may  
7 establish a separate fee for capital improvements, technology  
8 enhancements, or equipping student buildings which may not  
9 exceed 5 percent of the matriculation fee for resident  
10 students or 5 percent of the matriculation and tuition fees  
11 for nonresident students~~\$1 per credit hour or credit-hour~~  
12 ~~equivalent for residents and which equals or exceeds \$3 per~~  
13 ~~credit hour for nonresidents.~~ Funds collected by community  
14 colleges through these fees may be bonded only for the purpose  
15 of financing or refinancing new construction and equipment,  
16 renovation, or remodeling of educational facilities. The fee  
17 shall be collected as a component part of the registration and  
18 tuition fees, paid into a separate account, and expended only  
19 to construct and equip, maintain, improve, or enhance the  
20 educational facilities of the community college. Projects  
21 funded through the use of the capital improvement fee shall  
22 meet the survey and construction requirements of chapter 235.  
23 Pursuant to s. 216.0158, each community college shall identify  
24 each project, including maintenance projects, proposed to be  
25 funded in whole or in part by such fee. Capital improvement  
26 fee revenues may be pledged by a board of trustees as a  
27 dedicated revenue source to the repayment of debt, including  
28 lease-purchase agreements and revenue bonds, with a term not  
29 to exceed 20 years, and not to exceed the useful life of the  
30 asset being financed, only for the new construction and  
31 equipment, renovation, or remodeling of educational

1 facilities. Community colleges may use the services of the  
2 Division of Bond Finance of the State Board of Administration  
3 to issue any bonds authorized through the provisions of this  
4 subsection. Any such bonds issued by the Division of Bond  
5 Finance shall be in compliance with the provisions of the  
6 State Bond Act. Bonds issued pursuant to the State Bond Act  
7 shall be validated in the manner provided by chapter 75. The  
8 complaint for such validation shall be filed in the circuit  
9 court of the county where the seat of state government is  
10 situated, the notice required to be published by s. 75.06  
11 shall be published only in the county where the complaint is  
12 filed, and the complaint and order of the circuit court shall  
13 be served only on the state attorney of the circuit in which  
14 the action is pending. A maximum of 15 cents per credit hour  
15 may be allocated from the capital improvement fee for child  
16 care centers conducted by the community college.

17 Section 4. This act shall take effect July 1, 2000.

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19  
20 SENATE SUMMARY

21 Revises the requirements for setting fees and funding  
22 workforce development education, adult education  
23 programs, and certificate career education. Provides for  
24 a local WAGES coalition to pay the total costs incurred  
25 by WAGES clients enrolled in certain programs. Deletes a  
26 limitation on the use of technology fees. Requires that  
27 the matriculation fee be used for safety and security  
28 purposes if it exceeds a certain amount. (See bill for  
29 details.)  
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