

By Senator Clary

7-743-01

1 A bill to be entitled
 2 An act relating to education; amending s.
 3 246.101, F.S.; eliminating a requirement that
 4 the State Board of Independent Colleges use
 5 certain excess fee revenues to provide a credit
 6 against base fees assessed the following year;
 7 creating s. 246.32, F.S.; exempting certain
 8 projects, contracts, and grants funded from the
 9 Institutional Assessment Trust Fund from
 10 certain legislative budget request requirements
 11 and establishing alternative procedures;
 12 prohibiting the obligation of new state
 13 appropriations as a source of matching funds
 14 for certain potential contracts or grants;
 15 providing an effective date.

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

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 19 Section 1. Section 246.101, Florida Statutes, is
 20 amended to read:

21 246.101 Fees.--

22 (1) The State Board of Independent Colleges and
 23 Universities shall annually establish a fee schedule to
 24 generate, from fees, the amount of revenue appropriated for
 25 the operation of the board.

26 (2) Beginning with the 1993-1994 fiscal year, the
 27 board shall include, as a part of its legislative budget
 28 request, a proposed fee schedule to generate the appropriated
 29 fee revenue required in the appropriations act. The board may
 30 adjust the amount of a college's fee as necessary to generate
 31 the fee revenue required in the appropriations act. However,

1 the board may not add any category of fee that was not
2 included in the legislative budget request. In the absence of
3 legislative action to the contrary, the proposed fee schedule
4 shall go into effect as proposed in the board's legislative
5 budget request.

6 (3) The cost of routine services of the board, such as
7 data collection and dissemination, shall be supported through
8 a base fee. Nonpublic colleges operating pursuant to s.
9 246.084 are not required to pay the base fee. The base fee
10 applies to all other nonpublic colleges. The board may adjust
11 the fee based on the enrollment of the college. However, the
12 fee assessed to the largest college may not exceed one-half of
13 1 percent of the amount appropriated for the board or \$1,500,
14 whichever is less. The fee assessed to the largest college
15 may not exceed three times the amount of the fee assessed to
16 the smallest college.

17 (4) The board shall assess fees to defray the cost of
18 workload for board activities that are specific to certain
19 colleges. Such workload activities must relate to:

- 20 (a) Licensure.
- 21 (b) Annual reviews.
- 22 (c) Special reviews.
- 23 (d) Site visits.
- 24 (e) Resolution of complaints for violation of fair
25 consumer practices.
- 26 (f) Approval to operate in Florida without offering
27 educational programs.
- 28 (g) Approval to use the term "college" or
29 "university."

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1 (h) Review and collection of data submitted pursuant
2 to s. 246.084 when the review and collection is performed by
3 the board.

4 (i) Other workload activities as approved by the
5 Legislature.

6 (5) The board may assess any college late fees for
7 failure to timely submit required materials.

8 ~~(6) If the board collects fee revenues of more than
9 120 percent of the appropriated fee revenue requirements for
10 the fiscal year, the board shall use the collections in excess
11 of 120 percent to provide a credit against the base fee
12 assessed to all renewing institutions for the following year.
13 The credit shall be prorated on the base fee payments by
14 colleges for the prior year, exclusive of any related fee.~~

15 (6)(7) All fees shall be submitted through the
16 Department of Education to the Treasurer, to be deposited in
17 the Institutional Assessment Trust Fund created by s. 246.31.

18 (7)(8) All fees authorized to be collected are
19 considered to be administrative fees and shall not be
20 refundable.

21 Section 2. Section 246.32, Florida Statutes, is
22 created to read:

23 246.32 Expenditures from Institutional Assessment
24 Trust Fund; limitation on state appropriations.--

25 (1) Institutional Assessment Trust Fund projects,
26 contracts, and grants under the management of the Department
27 of Education are exempt from the requirements of s. 216.023.
28 The Department of Education, in consultation with the
29 legislative appropriations committees, shall approve an
30 estimated level of expenditures, salary rates, and positions
31 for the Institutional Assessment Trust Fund projects,

1 contracts and grants programs. If such expenditures exceed the
2 prior year's level by more than 10 percent, the full
3 membership of the legislative appropriations committees must
4 be notified of the increase.

5 (2) New state appropriations may not be obligated as a
6 source of matching funds for potential federal or private
7 contracts or grants. Upon termination of any federal or
8 private contracts or grants, the state is not obligated to
9 provide continued funding for personnel or project costs
10 related to such contracts or grants.

11 Section 3. This act shall take effect July 1, 2001.

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14 SENATE SUMMARY

15 Eliminates a requirement that the State Board of
16 Independent Colleges use certain excess fee revenues to
17 provide a credit against base fees assessed the following
18 year. Exempts certain projects, contracts, and grants
19 from certain legislative budget request requirements and
20 establishes alternative procedures for such items.
21 Prohibits obligating new state appropriations as a source
22 of matching funds for certain potential contracts or
23 grants.
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