

By the Council for Healthy Communities and Representatives
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1 A bill to be entitled
2 An act relating to foster care; creating the
3 "Road-to-Independence Act"; amending s.
4 409.145, F.S.; providing transition to
5 self-sufficiency as a goal for older children
6 who are likely to remain in foster care until
7 18 years of age; creating s. 409.1451, F.S.;
8 directing the Department of Children and Family
9 Services or its agents to administer a system
10 of independent living transition services;
11 providing for the use of state foster care or
12 federal funds to establish a continuum of
13 independent living transition services;
14 providing for eligibility for the services;
15 providing for services for foster children;
16 specifying the eligibility and services for the
17 pre-independent-living services; specifying the
18 eligibility and services for the life skills
19 services; specifying the eligibility, services,
20 and conditions for the subsidized independent
21 living services; providing for opportunities
22 for participation in life skills activities;
23 providing for services for young adults
24 formerly in foster care; specifying the
25 services and eligibility for the aftercare
26 support services; specifying the services,
27 eligibility, and awards process and conditions
28 for the Road-to-Independence Scholarship
29 Program; providing for an appeals process;
30 providing for department and program
31 accountability; establishing an independent

1 living services integration workgroup;
2 providing workgroup membership and duties;
3 requiring a report; providing department
4 rulemaking authority; amending s. 409.165,
5 F.S.; conforming provisions relating to
6 alternate care for children; amending ss.
7 239.117, 240.235, and 240.35, F.S., relating to
8 workforce development fees, university fees,
9 and student fees; conforming provisions to
10 changes made by the act with respect to the
11 Road-to-Independence Scholarship; amending s.
12 409.903, F.S.; specifying that a child who is
13 eligible for certain payments for medical
14 assistance and related services includes a
15 child who has been awarded a
16 Road-to-Independence Scholarship; repealing ss.
17 409.145(3) and 409.165(4), F.S., relating to
18 services for youth age 18 and older and to the
19 use of state foster care funds to establish a
20 continuum of services and an independent living
21 program; restricting the use of certain funds
22 appropriated to the Department of Children and
23 Family Services for the purpose of funding s.
24 409.165, F.S., and as provided for in the
25 Road-to-Independence Act pursuant to House Bill
26 245, or Senate bill 996 or similar legislation
27 passed into law; providing an effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. This act may be cited as the
2 "Road-to-Independence Act."

3 Section 2. Paragraph (e) is added to subsection (1) of
4 section 409.145, Florida Statutes, to read:

5 409.145 Care of children.--

6 (1) The department shall conduct, supervise, and
7 administer a program for dependent children and their
8 families. The services of the department are to be directed
9 toward the following goals:

10 (e) The transition to self-sufficiency for older
11 children who continue to be in foster care as adolescents.

12 Section 3. Section 409.1451, Florida Statutes, is
13 created to read:

14 409.1451 Independent living transition services.--

15 (1) SYSTEM OF SERVICES.--

16 (a) The Department of Children and Family Services or
17 its agents shall administer a system of independent living
18 transition services to enable older children in foster care
19 and young adults who exit foster care at age 18 to make the
20 transition to self-sufficiency as adults.

21 (b) The goals of independent living transition
22 services are to assist older children in foster care and young
23 adults who were formerly in foster care to obtain life skills
24 and education for independent living and employment, to have a
25 quality of life appropriate for their age, and to assume
26 personal responsibility for becoming self-sufficient adults.

27 (c) State funds for foster care or federal funds shall
28 be used to establish a continuum of services for eligible
29 children in foster care and eligible young adults who were
30 formerly in foster care which accomplish the goals for the
31 independent living transition services and provide the service

1 components for services for foster children, as provided in
2 subsection (3), and services for young adults who were
3 formerly in foster care, as provided in subsection (5).

4 (d) For children in foster care, independent living
5 transition services are not an alternative to adoption.
6 Independent living transition services may occur concurrently
7 with continued efforts to locate and achieve placement in
8 adoptive families for older children in foster care.

9 (2) ELIGIBILITY.--

10 (a) The department shall serve children who are 13 to
11 18 years of age and who are in foster care through the program
12 component of services for foster children provided in
13 subsection (3). Children to be served must meet the
14 eligibility requirements set forth for specific services as
15 provided in this section and through department rule.

16 (b) The department shall serve young adults who are 18
17 to 23 years of age and who were in foster care when they
18 turned 18 years of age through the program component of
19 services for young adults who were formerly in foster care in
20 subsection (5). Children to be served must meet the
21 eligibility requirements set forth for specific services in
22 this section and through department rule.

23 (3) PROGRAM COMPONENT OF SERVICES FOR FOSTER
24 CHILDREN.--The department shall provide the following
25 transition to independence services to children in foster care
26 who meet prescribed conditions and are determined eligible by
27 the department. The service categories available to children
28 in foster care which facilitate successful transition into
29 adulthood are:

30 (a) Pre-independent-living services.--
31

1 1. Pre-independent-living services include, but are
2 not limited to, life skills training, educational field trips,
3 and conferences. The specific services to be provided to a
4 child shall be determined using a pre-independent-living
5 assessment.

6 2. A child 13 to 15 years of age who is in foster care
7 is eligible for such services.

8 (b) Life skills services.--

9 1. Life skills services may include, but are not
10 limited to, independent living skills training, educational
11 support, employment training, and counseling. The specific
12 services to be provided to a child shall be determined using
13 an independent life skills assessment.

14 2. A child 15 to 18 years of age who is in foster care
15 is eligible for such services.

16 (c) Subsidized independent living services.--

17 1. Subsidized independent living services are living
18 arrangements that allow the child to live independently of the
19 daily care and supervision of an adult in a setting that is
20 not required to be licensed under s. 409.175.

21 2. A child 16 to 18 years of age is eligible for such
22 services if he or she:

23 a. Is adjudicated dependent under chapter 39; has been
24 placed in licensed out-of-home care for at least 6 months
25 prior to entering subsidized independent living; and has a
26 permanency goal of adoption, independent living, or long-term
27 licensed care; and

28 b. Is able to demonstrate independent living skills,
29 as determined by the department, using established procedures
30 and assessments.

31

1 3. Independent living arrangements established for a
2 child must be part of an overall plan leading to the total
3 independence of the child from the department's supervision.
4 The plan must include, but need not be limited to, a
5 description of the skills of the child and a plan for learning
6 additional identified skills; the behavior that the child has
7 exhibited which indicates an ability to be responsible and a
8 plan for developing additional responsibilities, as
9 appropriate; a plan for future educational, vocational, and
10 training skills; present financial and budgeting capabilities
11 and a plan for improving resources and ability; a description
12 of the proposed residence; documentation that the child
13 understands the specific consequences of his or her conduct in
14 the independent living program; documentation of proposed
15 services to be provided by the department and other agencies,
16 including the type of service and the nature and frequency of
17 contact; and a plan for maintaining or developing
18 relationships with the family, other adults, friends, and the
19 community, as appropriate.

20 4. Subsidy payments in an amount established by the
21 department may be made directly to a child under the direct
22 supervision of a caseworker or other responsible adult
23 approved by the department.

24 (4) PARTICIPATION IN LIFE SKILLS ACTIVITIES.--In order
25 to assist older children in foster care, ages 13 to 18 years
26 of age, with the transition to independent living as adults,
27 the program must provide them with opportunities to
28 participate in and learn from life skills activities in their
29 foster families and communities which are reasonable and
30 appropriate for their age. Such activities may include, but
31 are not limited to, managing money earned from a job, taking

1 driver's education, and participating in after-school or
2 extracurricular activities. To support these opportunities for
3 participation in age-appropriate life skills activities, the
4 department may:

5 (a) Develop, with children in the program and their
6 foster parents, a list of age-appropriate activities and
7 responsibilities to be presented to all children involved in
8 independent living transition services and their foster
9 parents.

10 (b) Provide training for staff and foster parents
11 which addresses issues of older children in foster care and
12 the transition to adulthood, including supporting education
13 and employment and providing opportunities to participate in
14 appropriate daily activities.

15 (c) Develop procedures to maximize the authority of
16 foster parents to approve participation in age-appropriate
17 activities of children in their care.

18 (d) Provide opportunities for older children in foster
19 care to interact with mentors.

20 (e) Develop and implement procedures for older
21 children to directly access and manage the personal allowance
22 they receive from the department in order to learn
23 responsibility and participate in age-appropriate life skills
24 activities to the extent feasible.

25 (5) PROGRAM COMPONENT OF SERVICES FOR YOUNG ADULTS
26 FORMERLY IN FOSTER CARE.--Based on the availability of funds,
27 the department shall provide or arrange for the following
28 services to young adults formerly in foster care who meet the
29 prescribed conditions and are determined eligible by the
30 department. The categories of services available to assist a
31

1 young adult formerly in foster care to achieve independence
2 are:

3 (a) Aftercare support services.--

4 1. Aftercare support services include, but are not
5 limited to, referrals to resources in the community for:

6 a. Mentoring and tutoring.

7 b. Mental health services and substance abuse
8 counseling.

9 c. Life skills classes, including credit management
10 and preventive health activities.

11 d. Parenting classes.

12 e. Job skills training.

13
14 The specific services to be provided under this subparagraph
15 shall be determined by an aftercare services assessment.

16 Temporary assistance may be provided to prevent homelessness
17 within the limitations defined by the department.

18 2. A young adult 18 to 23 years of age who leaves
19 foster care at 18 years of age but who requests services prior
20 to reaching 23 years of age is eligible for such services.

21 (b) Road-to-Independence Scholarship Program.--

22 1. The Road-to-Independence Scholarship Program is
23 intended to help eligible students who are former foster
24 children in this state to receive the educational and
25 vocational training needed to achieve independence. The amount
26 of the award shall equal the earnings that the student would
27 have been eligible to earn working a 40-hour-a-week federal
28 minimum wage job, after considering other grants and
29 scholarships that are in excess of the educational
30 institutions' fees and costs, and contingent upon available
31 funds. Students eligible for the Road-to-Independence

1 Scholarship Program may also be eligible for educational fee
2 waivers for workforce development postsecondary programs,
3 community colleges, and universities, pursuant to ss.
4 239.117(4)(c), 240.235(5)(a), and 240.35(2)(a).
5 2. A young adult 18 to 21 years of age is eligible for
6 the initial award, and a young adult under 23 years of age is
7 eligible for renewal awards, if he or she:
8 a. Is a dependent child, pursuant to chapter 39, and
9 is living in licensed foster care or in subsidized independent
10 living at the time of his or her 18th birthday;
11 b. Has spent at least 6 months living in foster care
12 before reaching his or her 18th birthday;
13 c. Is a resident of this state as defined in s.
14 240.404; and
15 d. Meets one of the following qualifications:
16 (I) Has earned a standard high school diploma or its
17 equivalent as described in s. 232.246 or s. 229.814, and has
18 been admitted for full-time enrollment in an eligible
19 postsecondary education institution as defined in s.
20 240.40204;
21 (II) Is enrolled full time in an accredited high
22 school, is within 2 years of graduation, and has maintained a
23 grade point average of at least 2.0 on a scale of 4.0 for the
24 two semesters preceding the date of his or her 18th birthday;
25 or
26 (III) Is enrolled full time in an accredited adult
27 education program designed to provide the student with a high
28 school diploma or its equivalent, is making satisfactory
29 progress in that program as certified by the program, and is
30 within 2 years of graduation.
31

1 3.a. The department must advertise the availability of
2 the program and must ensure that the children and young adults
3 leaving foster care, foster parents, or family services
4 counselors are informed of the availability of the program and
5 the application procedures.

6 b. A young adult must apply for the initial award
7 during the 6 months immediately preceding his or her 18th
8 birthday. A young adult who fails to make an initial
9 application, but who otherwise meets the criteria for an
10 initial award, may make one application for the initial award
11 if such application is made before the young adult's 21st
12 birthday.

13 c. If funding for the program is available, the
14 department shall issue awards from the scholarship program for
15 each young adult who meets all the requirements of the
16 program.

17 d. An award shall be issued at the time the eligible
18 student reaches 18 years of age.

19 e. If the award recipient transfers from one eligible
20 institution to another and continues to meet eligibility
21 requirements, the award must be transferred with the
22 recipient.

23 f. Scholarship funds awarded to any eligible young
24 adult under this program are in addition to any other services
25 provided to the young adult by the department through its
26 independent living transition services.

27 g. The department shall provide information concerning
28 young adults receiving the Road-to-Independence Scholarship to
29 the Department of Education for inclusion in the student
30 financial assistance database, as provided in s. 240.40401.
31

1 h. Scholarship funds shall be terminated when the
2 young adult has attained a bachelor of arts or bachelor of
3 science degree, or equivalent undergraduate degree, or reaches
4 23 years of age, whichever occurs earlier.

5 i. The department shall evaluate and renew each award
6 annually during the 90-day period before the young adult's
7 birthday. In order to be eligible for a renewal award for the
8 subsequent year, the young adult must:

9 (I) Complete at least 12 semester hours or the
10 equivalent in the last academic year in which the young adult
11 earned a scholarship, except for a young adult who meets the
12 requirements of s. 240.4041.

13 (II) Maintain the cumulative grade point average
14 required by the scholarship program, except that, if the young
15 adult's grades are insufficient to renew the scholarship at
16 any time during the eligibility period, the young adult may
17 restore eligibility by improving the grade point average to
18 the required level.

19 j. Scholarship funds may be terminated during the
20 interim between an award and the evaluation for a renewal
21 award if the department determines that the award recipient is
22 no longer enrolled in an educational institution as defined in
23 sub-subparagraph 2.d., or is no longer a state resident. The
24 department shall notify a student who is terminated and inform
25 the student of his or her right to appeal.

26 k. An award recipient who does not qualify for a
27 renewal award or who chooses not to renew the award may
28 subsequently apply for reinstatement. An application for
29 reinstatement must be made before the young adult reaches 23
30 years of age and a student may not apply for reinstatement
31 more than once. In order to be eligible for reinstatement, the

1 young adult must meet the eligibility criteria and the
2 criteria for award renewal for the scholarship program.
3 1. A young adult receiving continued services of the
4 foster care program under former s. 409.145(3) must transfer
5 to the scholarship program by July 1, 2003.
6 (c) Appeals process.--
7 1. The Department of Children and Family Services
8 shall adopt by rule a procedure by which a young adult may
9 appeal an eligibility determination or the department's
10 failure to provide scholarship funds or aftercare support
11 services if such funds are available.
12 2. The procedure developed by the department must be
13 readily available to young adults and must provide for an
14 appeal to the Secretary of Children and Family Services. The
15 decision of the secretary constitutes final agency action and
16 is reviewable by the court as provided in s. 120.68.
17 (6) ACCOUNTABILITY.--The department shall develop
18 outcome measures for the program and other performance
19 measures.
20 (7) INDEPENDENT LIVING SERVICES INTEGRATION
21 WORKGROUP.--The Secretary of Children and Family Services
22 shall establish the independent living services integration
23 workgroup, which, at a minimum, shall include representatives
24 from the Department of Children and Family Services, the
25 Agency for Workforce Innovation, the Department of Education,
26 the Agency for Health Care Administration, the State Youth
27 Advisory Board, Workforce Florida, Inc., and foster parents.
28 The workgroup shall assess barriers to the effective and
29 efficient integration of services and support across systems
30 for the transition of older children in foster care to
31 independent living. The workgroup shall recommend methods to

1 overcome these barriers and shall ensure that the state plan
2 for federal funding for the independent living transition
3 services includes these recommendations. The workgroup shall
4 report to appropriate legislative committees of the Senate and
5 the House of Representatives by December 31, 2002. Specific
6 issues and recommendations to be addressed by the workgroup
7 include:

8 (a) Enacting the Medicaid provision of the federal
9 Foster Care Independence Act of 1999, Pub. L. No. 106-169,
10 which allows young adults formerly in foster care to receive
11 medical coverage up to 21 years of age.

12 (b) Extending the age of Medicaid coverage from 21 to
13 23 years of age for young adults formerly in foster care in
14 order to enable such youth to complete a postsecondary
15 education degree.

16 (c) Encouraging the regional workforce boards to
17 provide priority employment and support for eligible foster
18 care participants receiving independent living transition
19 services.

20 (d) Facilitating transfers between schools when
21 changes in foster care placements occur.

22 (e) Identifying mechanisms to increase the legal
23 authority of foster parents and staff of the department or its
24 agent to provide for the age-appropriate care of older
25 children in foster care, including enrolling a child in
26 school, signing for a practice driver's license for the child
27 under s. 322.09(4), cosigning loans and insurance for the
28 child, signing for the child's medical treatment, and
29 authorizing other similar activities as appropriate.

30 (f) Transferring the allowance of spending money that
31 is provided by the department each month directly to an older

1 child in the program through an electronic benefit transfer
2 program. The purpose of the transfer is to allow these
3 children to access and manage the allowance they receive in
4 order to learn responsibility and participate in
5 age-appropriate life skills activities.

6 (g) Identifying other barriers to normalcy for a child
7 in foster care.

8 (8) RULEMAKING.--The department shall adopt by rule
9 procedures to administer this section, including provision for
10 the proportional reduction of scholarship awards when adequate
11 funds are not available for all applicants. The department
12 shall engage in appropriate planning to prevent, to the extent
13 possible, a reduction in scholarship awards after issuance.

14 Section 4. Paragraph (f) of subsection (3) of section
15 409.165, Florida Statutes, is amended to read:

16 409.165 Alternate care for children.--

17 (3) With the written consent of parents, custodians,
18 or guardians, or in accordance with those provisions in
19 chapter 39 that relate to dependent children, the department,
20 under rules properly adopted, may place a child:

21 (f) In a subsidized ~~an~~ independent living situation,
22 subject to the provisions of s. 409.1451(3)(c)~~subsection (4)~~,

23
24 under such conditions as are determined to be for the best
25 interests or the welfare of the child. Any child placed in an
26 institution or in a family home by the department or its
27 agency may be removed by the department or its agency, and
28 such other disposition may be made as is for the best interest
29 of the child, including transfer of the child to another
30 institution, another home, or the home of the child.

31 Expenditure of funds appropriated for out-of-home care can be

1 used to meet the needs of a child in the child's own home or
2 the home of a relative if the child can be safely served in
3 the child's own home or that of a relative if placement can be
4 avoided by the expenditure of such funds, and if the
5 expenditure of such funds in this manner is calculated by the
6 department to be a potential cost savings.

7 Section 5. Notwithstanding subsection (7) of section 3
8 of chapter 2000-321, Laws of Florida, section 239.117, Florida
9 Statutes, shall not stand repealed on January 7, 2003, as
10 scheduled by that law, but that section is reenacted and
11 amended to read:

12 239.117 Workforce development postsecondary student
13 fees.--

14 (1) This section applies to students enrolled in
15 workforce development programs who are reported for funding
16 through the Workforce Development Education Fund, except that
17 college credit fees for the community colleges are governed by
18 s. 240.35.

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

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

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

27 (b) A student who has a high school diploma or its
28 equivalent and who has academic skills at or below the eighth
29 grade level pursuant to state board rule. A student is
30 eligible for this exemption from fees if the student's skills
31 are at or below the eighth grade level as measured by a test

1 administered in the English language and approved by the
2 Department of Education, even if the student has skills above
3 that level when tested in the student's native language.

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

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

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

10 (c) A student to for whom the state has awarded a
11 Road-to-Independence Scholarship ~~is paying a foster care board~~
12 ~~payment pursuant to s. 409.145(3) or pursuant to parts II and~~
13 ~~III of chapter 39, for whom the permanency planning goal~~
14 ~~pursuant to part III of chapter 39 is long-term foster care or~~
15 ~~independent living, or who is adopted from the Department of~~
16 Children and Family Services after May 5, 1997. Such exemption
17 includes fees associated with enrollment in
18 vocational-preparatory instruction and completion of the
19 college-level communication and computation skills testing
20 program. Such exemption shall be available to any student
21 adopted from the Department of Children and Family Services
22 after May 5, 1997; however, the exemption shall be valid for
23 no more than 4 years after the date of graduation from high
24 school.

25 (d) A student enrolled in an employment and training
26 program under the welfare transition program. The regional
27 workforce board shall pay the community college or school
28 district for costs incurred for welfare transition program
29 participants.

30 (e) A student who lacks a fixed, regular, and adequate
31 nighttime residence or whose primary nighttime residence is a

1 public or private shelter designed to provide temporary
2 residence for individuals intended to be institutionalized, or
3 a public or private place not designed for, or ordinarily used
4 as, a regular sleeping accommodation for human beings.

5 (f) A student who is a proprietor, owner, or worker of
6 a company whose business has been at least 50 percent
7 negatively financially impacted by the buy-out of property
8 around Lake Apopka by the State of Florida. Such a student may
9 receive a fee exemption only if the student has not received
10 compensation because of the buy-out, the student is designated
11 a Florida resident for tuition purposes, pursuant to s.
12 240.1201, and the student has applied for and been denied
13 financial aid, pursuant to s. 240.404, which would have
14 provided, at a minimum, payment of all student fees. The
15 student is responsible for providing evidence to the
16 postsecondary education institution verifying that the
17 conditions of this paragraph have been met, including support
18 documentation provided by the Department of Revenue. The
19 student must be currently enrolled in, or begin coursework
20 within, a program area by fall semester 2000. The exemption
21 is valid for a period of 4 years from the date that the
22 postsecondary education institution confirms that the
23 conditions of this paragraph have been met.

24 (5) School districts and community colleges may waive
25 fees for any fee-nonexempt student. The total value of fee
26 waivers granted by the school district or community college
27 may not exceed the amount established annually in the General
28 Appropriations Act. Any student whose fees are waived in
29 excess of the authorized amount may not be reported for state
30 funding purposes. Any school district or community college
31 that waives fees and requests state funding for a student in

1 violation of the provisions of this section shall be penalized
2 at a rate equal to 2 times the value of the full-time student
3 enrollment reported.

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. At the discretion of a school board or
12 a community college, this fee schedule may be implemented over
13 a 3-year period, with full implementation in the 1999-2000
14 school year. In years preceding that year, if fee increases
15 are necessary for some programs or courses, the fees shall be
16 raised in increments designed to lessen their impact upon
17 students already enrolled. Fees for students who are not
18 residents for tuition purposes must offset the full cost of
19 instruction. Fee-nonexempt students enrolled in
20 vocational-preparatory instruction shall be charged fees equal
21 to the fees charged for certificate career education
22 instruction. Each community college that conducts
23 college-preparatory and vocational-preparatory instruction in
24 the same class section may charge a single fee for both types
25 of instruction.

26 (b) Fees for continuing workforce education shall be
27 locally determined by the school board or community college.
28 However, at least 50 percent of the expenditures for the
29 continuing workforce education program provided by the
30 community college or school district must be derived from
31 fees.

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

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

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

23 (8) Each school board and community college board of
24 trustees may establish a separate fee for financial aid
25 purposes in an additional amount of up to 10 percent of the
26 student fees collected for workforce development programs
27 funded through the Workforce Development Education Fund. All
28 fees collected shall be deposited into a separate workforce
29 development student financial aid fee trust fund of the
30 district or community college to support students enrolled in
31 workforce development programs. Any undisbursed balance

1 remaining in the trust fund and interest income accruing to
2 investments from the trust fund shall increase the total funds
3 available for distribution to workforce development education
4 students. Awards shall be based on student financial need and
5 distributed in accordance with a nationally recognized system
6 of need analysis approved by the State Board for Career
7 Education. Fees collected pursuant to this subsection shall be
8 allocated in an expeditious manner.

9 (9) The State Board of Education and the State Board
10 of Community Colleges shall adopt rules to allow the deferral
11 of registration and tuition fees for students receiving
12 financial aid from a federal or state assistance program when
13 such aid is delayed in being transmitted to the student
14 through circumstances beyond the control of the student. The
15 failure to make timely application for such aid is an
16 insufficient reason to receive a deferral of fees. The rules
17 must provide for the enforcement and collection or other
18 settlement of delinquent accounts.

19 (10) Any veteran or other eligible student who
20 receives benefits under chapter 30, chapter 31, chapter 32,
21 chapter 34, or chapter 35 of Title 38, U.S.C., or chapter 106
22 of Title 10, U.S.C., is entitled to one deferment each
23 academic year and an additional deferment each time there is a
24 delay in the receipt of benefits.

25 (11) Each school district and community college shall
26 be responsible for collecting all deferred fees. If a school
27 district or community college has not collected a deferred
28 fee, the student may not earn state funding for any course for
29 which the student subsequently registers until the fee has
30 been paid.

31

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

14 (13) Each school district and community college shall
15 report only those students who have actually enrolled in
16 instruction provided or supervised by instructional personnel
17 under contract with the district or community college in
18 calculations of actual full-time enrollments for state funding
19 purposes. A student who has been exempted from taking a
20 course or who has been granted academic or vocational credit
21 through means other than actual coursework completed at the
22 granting institution may not be calculated for enrollment in
23 the course from which the student has been exempted or for
24 which the student has been granted credit. School districts
25 and community colleges that report enrollments in violation of
26 this subsection shall be penalized at a rate equal to 2 times
27 the value of such enrollments. Such penalty shall be charged
28 against the following year's allocation from the Workforce
29 Development Education Fund and shall revert to the General
30 Revenue Fund.

31

1 (14) School boards and community college boards of
2 trustees may establish scholarship funds using donations. If
3 such funds are established, school boards and community
4 college boards of trustees shall adopt rules that provide for
5 the criteria and methods for awarding scholarships from the
6 fund.

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

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

19 (16) Community colleges and district school boards are
20 not authorized to charge students enrolled in workforce
21 development programs any fee that is not specifically
22 authorized by statute. In addition to matriculation, tuition,
23 financial aid, capital improvement, and technology fees, as
24 authorized in this section, community colleges and district
25 school boards are authorized to establish fee schedules for
26 the following user fees and fines: laboratory fees; parking
27 fees and fines; library fees and fines; fees and fines
28 relating to facilities and equipment use or damage; access or
29 identification card fees; duplicating, photocopying, binding,
30 or microfilming fees; standardized testing fees; diploma
31 replacement fees; transcript fees; application fees;

1 graduation fees; and late fees related to registration and
2 payment. Such user fees and fines shall not exceed the cost of
3 the services provided and shall only be charged to persons
4 receiving the service. Parking fee revenues may be pledged by
5 a community college board of trustees as a dedicated revenue
6 source for the repayment of debt, including lease-purchase
7 agreements and revenue bonds with terms not exceeding 20 years
8 and not 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 (17) Each district school board and community college
23 district board of trustees is authorized to establish specific
24 fees for workforce development instruction not reported for
25 state funding purposes or for workforce development
26 instruction not reported as state funded full-time equivalent
27 students. District school boards and district boards of
28 trustees are not required to charge any other fee specified in
29 this section for this type of instruction.

30 (18) Each district school board and community college
31 district board of trustees is authorized to establish a

1 separate fee for technology, not to exceed \$1.80 per credit
2 hour or credit-hour equivalent for resident students and not
3 more than \$5.40 per credit hour or credit-hour equivalent for
4 nonresident students, or the equivalent, to be expended in
5 accordance with technology improvement plans. The technology
6 fee may apply only to associate degree programs and courses.
7 Fifty percent of technology fee revenues may be pledged by a
8 community college board of trustees as a dedicated revenue
9 source for the repayment of debt, including lease-purchase
10 agreements, not to exceed the useful life of the asset being
11 financed. Revenues generated from the technology fee may not
12 be bonded.

13 Section 6. Notwithstanding subsection (7) of section 3
14 of chapter 2000-321, Laws of Florida, section 240.235, Florida
15 Statutes, shall not stand repealed on January 7, 2003, as
16 scheduled by that law, but that section is reenacted and
17 amended to read:

18 240.235 Fees.--

19 (1) Each university is authorized to establish
20 separate activity and service, health, and athletic fees.
21 When duly established, the fees shall be collected as
22 component parts of the registration and tuition fees and shall
23 be retained by the university and paid into the separate
24 activity and service, health, and athletic funds.

25 (a)1. Each university president shall establish a
26 student activity and service fee on the main campus of the
27 university. The university president may also establish a
28 student activity and service fee on any branch campus or
29 center. Any subsequent increase in the activity and service
30 fee must be recommended by an activity and service fee
31 committee, at least one-half of whom are students appointed by

1 the student body president. The remainder of the committee
2 shall be appointed by the university president. A
3 chairperson, appointed jointly by the university president and
4 the student body president, shall vote only in the case of a
5 tie. The recommendations of the committee shall take effect
6 only after approval by the university president, after
7 consultation with the student body president, with final
8 approval by the Board of Regents. An increase in the activity
9 and service fee may occur only once each fiscal year and must
10 be implemented beginning with the fall term. The Board of
11 Regents is responsible for promulgating the rules and
12 timetables necessary to implement this fee.

13 2. The student activity and service fees shall be
14 expended for lawful purposes to benefit the student body in
15 general. This shall include, but shall not be limited to,
16 student publications and grants to duly recognized student
17 organizations, the membership of which is open to all students
18 at the university without regard to race, sex, or religion.
19 The fund may not benefit activities for which an admission fee
20 is charged to students, except for
21 student-government-association-sponsored concerts. The
22 allocation and expenditure of the fund shall be determined by
23 the student government association of the university, except
24 that the president of the university may veto any line item or
25 portion thereof within the budget when submitted by the
26 student government association legislative body. The
27 university president shall have 15 school days from the date
28 of presentation of the budget to act on the allocation and
29 expenditure recommendations, which shall be deemed approved if
30 no action is taken within the 15 school days. If any line item
31 or portion thereof within the budget is vetoed, the student

1 government association legislative body shall within 15 school
2 days make new budget recommendations for expenditure of the
3 vetoed portion of the fund. If the university president
4 vetoes any line item or portion thereof within the new budget
5 revisions, the university president may reallocate by line
6 item that vetoed portion to bond obligations guaranteed by
7 activity and service fees. Unexpended funds and undisbursed
8 funds remaining at the end of a fiscal year shall be carried
9 over and remain in the student activity and service fund and
10 be available for allocation and expenditure during the next
11 fiscal year.

12 (b) Each university president shall establish a
13 student health fee on the main campus of the university. The
14 university president may also establish a student health fee
15 on any branch campus or center. Any subsequent increase in the
16 health fee must be recommended by a health committee, at least
17 one-half of whom are students appointed by the student body
18 president. The remainder of the committee shall be appointed
19 by the university president. A chairperson, appointed jointly
20 by the university president and the student body president,
21 shall vote only in the case of a tie. The recommendations of
22 the committee shall take effect only after approval by the
23 university president, after consultation with the student body
24 president, with final approval by the Board of Regents. An
25 increase in the health fee may occur only once each fiscal
26 year and must be implemented beginning with the fall term. The
27 Board of Regents is responsible for promulgating the rules and
28 timetables necessary to implement this fee.

29 (c) Each university president shall establish a
30 separate athletic fee on the main campus of the university.
31 The university president may also establish a separate

1 athletic fee on any branch campus or center. The initial
2 aggregate athletic fee at each university shall be equal to,
3 but may be no greater than, the 1982-1983 per-credit-hour
4 activity and service fee contributed to intercollegiate
5 athletics, including women's athletics, as provided by s.
6 240.533. Concurrently with the establishment of the athletic
7 fee, the activity and service fee shall experience a one-time
8 reduction equal to the initial aggregate athletic fee. Any
9 subsequent increase in the athletic fee must be recommended by
10 an athletic fee committee, at least one-half of whom are
11 students appointed by the student body president. The
12 remainder of the committee shall be appointed by the
13 university president. A chairperson, appointed jointly by the
14 university president and the student body president, shall
15 vote only in the case of a tie. The recommendations of the
16 committee shall take effect only after approval by the
17 university president, after consultation with the student body
18 president, with final approval by the Board of Regents. An
19 increase in the athletic fee may occur only once each fiscal
20 year and must be implemented beginning with the fall term. The
21 Board of Regents is responsible for promulgating the rules and
22 timetables necessary to implement this fee.

23 (2) The university may permit the deferral of
24 registration and tuition fees for those students receiving
25 financial aid from federal or state assistance programs when
26 such aid is delayed in being transmitted to the student
27 through circumstances beyond the control of the student.
28 Failure to make timely application for such aid shall be
29 insufficient reason to receive such deferral. Veterans and
30 other eligible students receiving benefits under chapter 30,
31 chapter 31, chapter 32, chapter 34, or chapter 35, 38 U.S.C.,

1 or chapter 106, 10 U.S.C., shall be entitled to one deferment
2 each academic year and an additional deferment each time there
3 is a delay in the receipt of their benefits.

4 (3) The Board of Regents shall establish rules to
5 waive any or all application, course registration, and related
6 fees for persons 60 years of age or older who are residents of
7 this state and who attend classes for credit. No academic
8 credit shall be awarded for attendance in classes for which
9 fees are waived under this subsection. This privilege may be
10 granted only on a space-available basis, if such classes are
11 not filled as of the close of registration. A university may
12 limit or deny the privilege for courses which are in programs
13 for which the Board of Regents has established selective
14 admissions criteria. Persons paying full fees and state
15 employees taking courses on a space-available basis shall have
16 priority over those persons whose fees are waived in all cases
17 where classroom spaces are limited.

18 (4) Students enrolled in a dual enrollment or early
19 admission program pursuant to s. 240.116 shall be exempt from
20 the payment of registration, matriculation, and laboratory
21 fees. Students enrolled in accordance with this subsection may
22 be calculated as the proportional shares of full-time
23 equivalent enrollments each such student generates for state
24 funding purposes.

25 (5)(a) Any student to ~~for~~ whom the state has awarded a
26 Road-to-Independence Scholarship ~~is paying a foster care board~~
27 ~~payment pursuant to s. 409.145(3) or parts II and III of~~
28 ~~chapter 39, for whom the permanency planning goal pursuant to~~
29 ~~part III of chapter 39 is long-term foster care or independent~~
30 ~~living,~~ or who is adopted from the Department of Children and
31 Family Services after May 5, 1997, shall be exempt from the

1 payment of all undergraduate fees, including fees associated
2 with enrollment in college-preparatory instruction or
3 completion of college-level communication and computation
4 skills testing programs. Before a fee exemption can be given,
5 the student shall have applied for and been denied financial
6 aid, pursuant to s. 240.404, which would have provided, at a
7 minimum, payment of all undergraduate fees. Such exemption
8 shall be available to any student adopted from the Department
9 of Children and Family Services after May 5, 1997; however,
10 the exemption shall be valid for no more than 4 years after
11 the date of graduation from high school.

12 (b) Any student qualifying for a fee exemption under
13 this subsection shall receive such an exemption for not more
14 than 4 consecutive years or 8 semesters unless the student is
15 participating in college-preparatory instruction or is
16 requiring additional time to complete the college-level
17 communication and computation skills testing programs. Such a
18 student shall be eligible to receive a fee exemption for a
19 maximum of 5 consecutive years or 10 semesters.

20 (c) As a condition for continued fee exemption, a
21 student shall have earned a grade point average of at least
22 2.0 on a 4.0 scale for the previous term, maintain at least an
23 overall 2.0 average for college work, or have an average below
24 2.0 for only the previous term and be eligible for continued
25 enrollment in the institution.

26 (6) Any proprietor, owner, or worker of a company
27 whose business has been at least 50-percent negatively
28 financially impacted by the buyout of property around Lake
29 Apopka by the State of Florida is exempt from the payment of
30 registration, matriculation, and laboratory fees. A student
31 receiving a fee exemption in accordance with this subsection

1 must not have received compensation because of the buyout,
2 must be designated a Florida resident for tuition purposes
3 pursuant to s. 240.1201, and must first have applied for and
4 been denied financial aid, pursuant to s. 240.404, which would
5 have provided, at a minimum, payment of all student fees. The
6 student is responsible for providing evidence to the
7 postsecondary education institution verifying that the
8 conditions of this subsection have been met, including support
9 documentation provided by the Department of Revenue. The
10 student must be currently enrolled in, or begin coursework
11 within, a program area by fall semester 2000. The exemption is
12 valid for a period of 4 years from the date that the
13 postsecondary education institution confirms that the
14 conditions of this subsection have been met.

15 (7) Each university may assess a service charge for
16 the payment of tuition and fees in installments. Such service
17 charge must be approved by the Board of Regents. The revenues
18 from such service charges shall be deposited into a student
19 fee trust fund the Legislature has established and assigned to
20 the university for that purpose.

21 (8) Any graduate student enrolled in a state-approved
22 school psychology training program shall be entitled to a
23 waiver of registration fees for internship credit hours
24 applicable to an internship in the public school system under
25 the supervision of a Department of Education certified school
26 psychologist employed by the school system.

27 (9) The Board of Regents shall exempt one-half of all
28 tuition and course-related fees for certain members of the
29 active Florida National Guard pursuant to the provisions of s.
30 250.10(8).

31

1 (10) The Board of Regents may establish rules to allow
2 for the waiver of out-of-state fees for nondegree-seeking
3 students enrolled at State University System institutions if
4 the earned student credit hours generated by such students are
5 nonfundable and the direct cost for the program of study is
6 recovered from the fees charged to all students.

7 (11) Students who are enrolled in Programs in Medical
8 Sciences are considered graduate students for the purpose of
9 enrollment and student fees.

10 Section 7. Notwithstanding subsection (7) of section 3
11 of chapter 2000-321, Laws of Florida, section 240.35, Florida
12 Statutes, shall not stand repealed on January 7, 2003, as
13 scheduled by that law, but that section, as amended by section
14 8 of chapter 2001-254, Laws of Florida, and section 12 of
15 chapter 2001-254, Laws of Florida, is reenacted and amended to
16 read:

17 240.35 Student fees.--Unless otherwise provided, the
18 provisions of this section apply only to fees charged for
19 college credit instruction leading to an associate in arts
20 degree, an associate in applied science degree, or an
21 associate in science degree and noncollege credit
22 college-preparatory courses defined in s. 239.105.

23 (1) The State Board of Community Colleges shall
24 establish the matriculation and tuition fees for
25 college-preparatory instruction and for credit instruction
26 which may be counted toward an associate in arts degree, an
27 associate in applied science degree, or an associate in
28 science degree.

29 (2)(a) Any student to for whom the state has awarded
30 the Road-to-Independence Scholarship ~~is paying a foster care~~
31 ~~board payment pursuant to s. 409.145(3) or parts II and III of~~

1 ~~chapter 39, for whom the permanency planning goal pursuant to~~
2 ~~part III of chapter 39 is long-term foster care or independent~~
3 ~~living,~~ or who is adopted from the Department of Children and
4 Family Services after May 5, 1997, shall be exempt from the
5 payment of all undergraduate fees, including fees associated
6 with enrollment in college-preparatory instruction or
7 completion of the college-level communication and computation
8 skills testing program. Before a fee exemption can be given,
9 the student shall have applied for and been denied financial
10 aid, pursuant to s. 240.404, which would have provided, at a
11 minimum, payment of all student fees. Such exemption shall be
12 available to any student adopted from the Department of
13 Children and Family Services after May 5, 1997; however, the
14 exemption shall be valid for no more than 4 years after the
15 date of graduation from high school.

16 (b) Any student qualifying for a fee exemption under
17 this subsection shall receive such an exemption for not more
18 than 2 consecutive years or 4 semesters, unless the student is
19 participating in college-preparatory instruction or requires
20 additional time to complete the college-level communication
21 and computation skills testing program. Such a student is
22 eligible to receive a fee exemption for a maximum of 3
23 consecutive years or 6 semesters.

24 (c) As a condition for continued fee exemption, a
25 student shall earn a grade point average of at least 2.0 on a
26 4.0 scale for the previous term, maintain at least an overall
27 2.0 average for college work, or have an average below 2.0 for
28 only the previous term and be eligible for continued
29 enrollment in the institution.

30 (3) Students enrolled in dual enrollment and early
31 admission programs under s. 240.116 and students enrolled in

1 employment and training programs under the welfare transition
2 program are exempt from the payment of registration,
3 matriculation, and laboratory fees; however, such students may
4 not be included within calculations of fee-waived enrollments.
5 The regional workforce board shall pay the community college
6 for costs incurred by that participant related to that
7 person's classes or program. Other fee-exempt instruction
8 provided under this subsection generates an additional
9 one-fourth full-time equivalent enrollment.

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

30 (5)(a) Fees shall be waived for certain members of the
31 active Florida National Guard pursuant to s. 250.10(8).

1 (b) Community colleges may waive fees for any
2 fee-nonexempt student. A student whose fees are waived in
3 excess of the amount authorized annually in the General
4 Appropriations Act may not be included in calculations of
5 full-time equivalent enrollments for state funding purposes.
6 Any community college that waives fees and requests state
7 funding for a student in violation of the provisions of this
8 subsection shall be penalized at a rate equal to two times the
9 value of the full-time equivalent student enrollment reported
10 served. Such penalty shall be charged against the following
11 year's allocation from the Community College Program Fund.

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

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

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

19 (8) The sum of nonresident student matriculation and
20 tuition fees must be sufficient to defray the full cost of
21 each program. The annual fee increases for nonresident
22 students established by the board, in the absence of
23 legislative action to the contrary in an appropriations act,
24 may not exceed 25 percent.

25 (9) The State Board of Community Colleges shall adopt
26 a rule specifying the definitions and procedures to be used in
27 the calculation of the percentage of cost paid by students.
28 The rule must provide for the calculation of the full cost of
29 educational programs based on the allocation of all funds
30 provided through the general current fund to programs of
31 instruction, and other activities as provided in the annual

1 expenditure analysis. The rule shall be developed in
2 consultation with the Legislature.

3 (10) Each community college district board of trustees
4 may establish a separate activity and service fee not to
5 exceed 10 percent of the matriculation fee, according to rules
6 of the State Board of Education. The student activity and
7 service fee shall be collected as a component part of the
8 registration and tuition fees. The student activity and
9 service fees shall be paid into a student activity and service
10 fund at the community college and shall be expended for lawful
11 purposes to benefit the student body in general. These
12 purposes include, but are not limited to, student publications
13 and grants to duly recognized student organizations, the
14 membership of which is open to all students at the community
15 college without regard to race, sex, or religion.

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

31

1 (b) All funds collected under this program shall be
2 placed in the loan and endowment fund or scholarship fund of
3 the college, by whatever name known. Such funds shall be
4 disbursed to students as quickly as possible. An amount not
5 greater than 40 percent of the fees collected in a fiscal year
6 may be carried forward unexpended to the following fiscal
7 year. However, funds collected prior to July 1, 1989, and
8 placed in an endowment fund may not be considered part of the
9 balance of funds carried forward unexpended to the following
10 fiscal year.

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

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

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

10 (12) Any community college that reports students who
11 have not paid fees in an approved manner in calculations of
12 full-time equivalent enrollments for state funding purposes
13 shall be penalized at a rate equal to two times the value of
14 such enrollments. Such penalty shall be charged against the
15 following year's allocation from the Community College Program
16 Fund and shall revert to the General Revenue Fund. The State
17 Board of Education shall specify, as necessary, by rule,
18 approved methods of student fee payment. Such methods shall
19 include, but not be limited to, student fee payment; payment
20 through federal, state, or institutional financial aid; and
21 employer fee payments. A community college may not charge any
22 fee except as authorized by law or rules of the State Board of
23 Education.

24 (13) Each community college shall report only those
25 students who have actually enrolled in instruction provided or
26 supervised by instructional personnel under contract with the
27 community college in calculations of actual full-time
28 equivalent enrollments for state funding purposes. No student
29 who has been exempted from taking a course or who has been
30 granted academic or vocational credit through means other than
31 actual coursework completed at the granting institution shall

1 be calculated for enrollment in the course from which he or
2 she has been exempted or granted credit. Community colleges
3 that report enrollments in violation of this subsection shall
4 be penalized at a rate equal to two times the value of such
5 enrollments. Such penalty shall be charged against the
6 following year's allocation from the Community College Program
7 Fund and shall revert to the General Revenue Fund.

8 (14) Each community college board of trustees may
9 establish a separate fee for capital improvements, technology
10 enhancements, or equipping student buildings which may not
11 exceed \$1 per credit hour or credit-hour equivalent for
12 residents and which equals or exceeds \$3 per credit hour for
13 nonresidents. Funds collected by community colleges through
14 these fees may be bonded only for the purpose of financing or
15 refinancing new construction and equipment, renovation, or
16 remodeling of educational facilities. The fee shall be
17 collected as a component part of the registration and tuition
18 fees, paid into a separate account, and expended only to
19 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 (15) In addition to matriculation, tuition, financial
18 aid, capital improvement, student activity and service, and
19 technology fees authorized in this section, each board of
20 trustees is authorized to establish fee schedules for the
21 following user fees and fines: laboratory fees; parking fees
22 and fines; library fees and fines; fees and fines relating to
23 facilities and equipment use or damage; access or
24 identification card fees; duplicating, photocopying, binding,
25 or microfilming fees; standardized testing fees; diploma
26 replacement fees; transcript fees; application fees;
27 graduation fees; and late fees related to registration and
28 payment. Such user fees and fines shall not exceed the cost of
29 the services provided and shall only be charged to persons
30 receiving the service. Community colleges are not authorized
31 to charge any fee that is not specifically authorized by

1 statute. Parking fee revenues may be pledged by a community
2 college board of trustees as a dedicated revenue source for
3 the repayment of debt, including lease-purchase agreements and
4 revenue bonds with terms not exceeding 20 years and not
5 exceeding the useful life of the asset being financed.
6 Community colleges shall use the services of the Division of
7 Bond Finance of the State Board of Administration to issue any
8 revenue bonds authorized by the provisions of this subsection.
9 Any such bonds issued by the Division of Bond Finance shall be
10 in compliance with the provisions of the State Bond Act. Bonds
11 issued pursuant to the State Bond Act shall be validated in
12 the manner established in chapter 75. The complaint for such
13 validation shall be filed in the circuit court of the county
14 where the seat of state government is situated, the notice
15 required to be published by s. 75.06 shall be published only
16 in the county where the complaint is filed, and the complaint
17 and order of the circuit court shall be served only on the
18 state attorney of the circuit in which the action is pending.

19 (16) Each community college district board of trustees
20 is authorized to establish a separate fee for technology,
21 which may not exceed \$1.80 per credit hour or credit-hour
22 equivalent for resident students and not more than \$5.40 per
23 credit hour or credit-hour equivalent for nonresident
24 students, to be expended according to technology improvement
25 plans. The technology fee may apply to both college credit and
26 college-preparatory instruction. Fifty percent of technology
27 fee revenues may be pledged by a community college board of
28 trustees as a dedicated revenue source for the repayment of
29 debt, including lease-purchase agreements, not to exceed the
30 useful life of the asset being financed. Revenues generated
31 from the technology fee may not be bonded.

1 (17) Each community college is authorized to grant
2 student fee exemptions from all fees adopted by the State
3 Board of Community Colleges and the community college board of
4 trustees for up to 40 full-time equivalent students at each
5 institution.

6 Section 8. Subsection (4) of section 409.903, Florida
7 Statutes, is amended to read:

8 409.903 Mandatory payments for eligible persons.--The
9 agency shall make payments for medical assistance and related
10 services on behalf of the following persons who the
11 department, or the Social Security Administration by contract
12 with the Department of Children and Family Services,
13 determines to be eligible, subject to the income, assets, and
14 categorical eligibility tests set forth in federal and state
15 law. Payment on behalf of these Medicaid eligible persons is
16 subject to the availability of moneys and any limitations
17 established by the General Appropriations Act or chapter 216.

18 (4) A child who is eligible under Title IV-E of the
19 Social Security Act for subsidized board payments, foster
20 care, or adoption subsidies, and a child for whom the state
21 has assumed temporary or permanent responsibility and who does
22 not qualify for Title IV-E assistance but is in foster care,
23 shelter or emergency shelter care, or subsidized adoption.
24 This category includes a child who was eligible under Title
25 IV-E of the Social Security Act for foster care or the
26 state-provided foster care, who exited foster care due to
27 attaining the age of 18 years, and who has been awarded a
28 Road-to-Independence Scholarship.

29 Section 9. Subsection (3) of section 409.145, Florida
30 Statutes, and subsection (4) of section 409.165, Florida
31 Statutes, are repealed.

1 Section 10. Pursuant to the General Appropriations
2 Acts for the 2002-2003 and 2003-2004 fiscal years, funds
3 appropriated for the purpose of funding s. 409.165, Florida
4 Statutes, and as provided for in the Road-to-Independence Act
5 pursuant to House Bill 245, or Senate Bill 996 or similar
6 legislation passed into law, shall be used only for expanding
7 services to foster care children 13 years of age and older,
8 and young adults formerly in foster care 18 to 23 years of
9 age. The Department of Children and Family Services shall not
10 use funds identified for s. 409.165, Florida Statutes, as
11 provided for in the Road-to-Independence Act pursuant to House
12 Bill 245, or Senate Bill 996 or similar legislation passed
13 into law, for any other purpose and is prohibited from
14 supplanting other department programs with these funds.

15 Section 11. This act shall take effect October 1,
16 2002.

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