

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; specifying the services, eligibility  
30          and conditions for the transitional support  
31          services; providing for payment directly to a

1 licensed foster family or group care provider  
2 with whom a young adult continues to reside;  
3 providing that the young adult not be counted  
4 in licensing restrictions; providing for an  
5 appeals process; providing for department and  
6 program accountability; establishing an  
7 independent living services integration  
8 workgroup; providing workgroup membership and  
9 duties; requiring a report; providing  
10 department rulemaking authority; amending s.  
11 409.165, F.S.; conforming provisions relating  
12 to alternate care for children; amending ss.  
13 239.117, 240.235, and 240.35, F.S., relating to  
14 workforce development fees, university fees,  
15 and student fees; conforming provisions to  
16 changes made by the act with respect to the  
17 Road-to-Independence Scholarship; amending s.  
18 409.903, F.S.; specifying that a child who is  
19 eligible for certain payments for medical  
20 assistance and related services includes a  
21 child who has been awarded a  
22 Road-to-Independence Scholarship; repealing ss.  
23 409.145(3) and 409.165(4), F.S., relating to  
24 services for youth age 18 and older and to the  
25 use of state foster care funds to establish a  
26 continuum of services and an independent living  
27 program; restricting the use of certain funds  
28 appropriated to the Department of Children and  
29 Family Services for the purpose of funding s.  
30 409.165, F.S., and as provided for in the  
31 Road-to-Independence Act pursuant to House Bill

1           245, or Senate bill 996 or similar legislation  
2           passed into law; providing an effective date.

3  
4 Be It Enacted by the Legislature of the State of Florida:

5  
6           Section 1. This act may be cited as the  
7 "Road-to-Independence Act."

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

10           409.145 Care of children.--

11           (1) The department shall conduct, supervise, and  
12 administer a program for dependent children and their  
13 families. The services of the department are to be directed  
14 toward the following goals:

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

17           Section 3. Section 409.1451, Florida Statutes, is  
18 created to read:

19           409.1451 Independent living transition services.--

20           (1) SYSTEM OF SERVICES.--

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

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

1        (c) State funds for foster care or federal funds shall  
2 be used to establish a continuum of services for eligible  
3 children in foster care and eligible young adults who were  
4 formerly in foster care which accomplish the goals for the  
5 independent living transition services and provide the service  
6 components for services for foster children, as provided in  
7 subsection (3), and services for young adults who were  
8 formerly in foster care, as provided in subsection (5).

9        (d) For children in foster care, independent living  
10 transition services are not an alternative to adoption.  
11 Independent living transition services may occur concurrently  
12 with continued efforts to locate and achieve placement in  
13 adoptive families for older children in foster care.

14        (2) ELIGIBILITY.--

15        (a) The department shall serve children who are 13 to  
16 18 years of age and who are in foster care through the program  
17 component of services for foster children provided in  
18 subsection (3). Children to be served must meet the  
19 eligibility requirements set forth for specific services as  
20 provided in this section and through department rule.

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

28        (3) PROGRAM COMPONENT OF SERVICES FOR FOSTER  
29 CHILDREN.--The department shall provide the following  
30 transition to independence services to children in foster care  
31 who meet prescribed conditions and are determined eligible by

1 the department. The service categories available to children  
2 in foster care which facilitate successful transition into  
3 adulthood are:

4 (a) Pre-independent-living services.--

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

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

12 (b) Life skills services.--

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

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

20 (c) Subsidized independent living services.--

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

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

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

1           b. Is able to demonstrate independent living skills,  
2 as determined by the department, using established procedures  
3 and assessments.

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

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

27           (4) PARTICIPATION IN LIFE SKILLS ACTIVITIES.--In order  
28 to assist older children in foster care, ages 13 to 18 years  
29 of age, with the transition to independent living as adults,  
30 the program must provide them with opportunities to  
31 participate in and learn from life skills activities in their

1 foster families and communities which are reasonable and  
2 appropriate for their age. Such activities may include, but  
3 are not limited to, managing money earned from a job, taking  
4 driver's education, and participating in after-school or  
5 extracurricular activities. To support these opportunities for  
6 participation in age-appropriate life skills activities, the  
7 department may:

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

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

18 (c) Develop procedures to maximize the authority of  
19 foster parents to approve participation in age-appropriate  
20 activities of children in their care.

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

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

28 (5) PROGRAM COMPONENT OF SERVICES FOR YOUNG ADULTS  
29 FORMERLY IN FOSTER CARE.--Based on the availability of funds,  
30 the department shall provide or arrange for the following  
31 services to young adults formerly in foster care who meet the

1 prescribed conditions and are determined eligible by the  
2 department. The categories of services available to assist a  
3 young adult formerly in foster care to achieve independence  
4 are:

5 (a) Aftercare support services.--

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

8 a. Mentoring and tutoring.

9 b. Mental health services and substance abuse  
10 counseling.

11 c. Life skills classes, including credit management  
12 and preventive health activities.

13 d. Parenting classes.

14 e. Job skills training.

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

18 Temporary assistance may be provided to prevent homelessness  
19 within the limitations defined by the department.

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

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

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



1 institutions' fees and costs, and contingent upon available  
2 funds. Students eligible for the Road-to-Independence  
3 Scholarship Program may also be eligible for educational fee  
4 waivers for workforce development postsecondary programs,  
5 community colleges, and universities, pursuant to ss.  
6 239.117(4)(c), 240.235(5)(a), and 240.35(2)(a).

7 2. A young adult 18 to 21 years of age is eligible for  
8 the initial award, and a young adult under 23 years of age is  
9 eligible for renewal awards, if he or she:

10 a. Is a dependent child, pursuant to chapter 39, and  
11 is living in licensed foster care or in subsidized independent  
12 living at the time of his or her 18th birthday;

13 b. Has spent at least 6 months living in foster care  
14 before reaching his or her 18th birthday;

15 c. Is a resident of this state as defined in s.  
16 240.404; and

17 d. Meets one of the following qualifications:

18 (I) Has earned a standard high school diploma or its  
19 equivalent as described in s. 232.246 or s. 229.814, and has  
20 been admitted for full-time enrollment in an eligible  
21 postsecondary education institution as defined in s.  
22 240.40204;

23 (II) Is enrolled full time in an accredited high  
24 school, is within 2 years of graduation, and has maintained a  
25 grade point average of at least 2.0 on a scale of 4.0 for the  
26 two semesters preceding the date of his or her 18th birthday;  
27 or

28 (III) Is enrolled full time in an accredited adult  
29 education program designed to provide the student with a high  
30 school diploma or its equivalent, is making satisfactory  
31

1 progress in that program as certified by the program, and is  
2 within 2 years of graduation.

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

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

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

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

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

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

29 g. The department shall provide information concerning  
30 young adults receiving the Road-to-Independence Scholarship to  
31

1 the Department of Education for inclusion in the student  
2 financial assistance database, as provided in s. 240.40401.

3 h. Scholarship funds shall be terminated when the  
4 young adult has attained a bachelor of arts or bachelor of  
5 science degree, or equivalent undergraduate degree, or reaches  
6 23 years of age, whichever occurs earlier.

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

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

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

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

28 k. An award recipient who does not qualify for a  
29 renewal award or who chooses not to renew the award may  
30 subsequently apply for reinstatement. An application for  
31 reinstatement must be made before the young adult reaches 23

1 years of age and a student may not apply for reinstatement  
2 more than once. In order to be eligible for reinstatement, the  
3 young adult must meet the eligibility criteria and the  
4 criteria for award renewal for the scholarship program.

5 1. A young adult receiving continued services of the  
6 foster care program under former s. 409.145(3) must transfer  
7 to the scholarship program by July 1, 2003.

8 (c) Transitional Support Services.--

9 1. In addition to any services provided through after  
10 care support or the Road to Independence scholarship, a young  
11 adult formerly in foster care, may receive other appropriate  
12 short-term services, which may include financial, housing,  
13 counseling, employment, education and other services, if the  
14 young adult demonstrates that the services are critical to the  
15 young adult's own efforts to achieve self-sufficiency and to  
16 develop a personal support system.

17 2. A young adult formerly in foster care is eligible  
18 to apply for transitional support services if he or she is 18  
19 to 23 years of age, was a dependent child pursuant to chapter  
20 39, was living in licensed foster care or in subsidized  
21 independent living at the time of his or her 18th birthday,  
22 and had spent at least 6 months living in foster care before  
23 that date.

24 (3) If at any time the services are no longer critical  
25 to the young adult's own efforts to achieve self-sufficiency  
26 and to develop a personal support system, they shall be  
27 terminated.

28 (d) Payment of aftercare, scholarship or transitional  
29 support funds shall be made directly to the recipient unless  
30 the recipient requests that the payments or a portion of the  
31 payments be made directly to a licensed foster family or group

1 care provider with whom the recipient was residing at the time  
2 of attaining the 18th birthday and with whom the recipient  
3 desires to continue to reside. If a young adult and the former  
4 foster parent agree that the young adult shall continue to  
5 live in the foster home while receiving aftercare, scholarship  
6 or transitional support funds, the caregiver shall establish  
7 written expectations for the young adult's behavior and  
8 responsibilities. The young adult who continues with a foster  
9 family shall not be included as a child in calculating any  
10 licensing restriction on the number of children in the foster  
11 home.

12 (e) Appeals process.--

13 1. The Department of Children and Family Services  
14 shall adopt by rule a procedure by which a young adult may  
15 appeal an eligibility determination or the department's  
16 failure to provide aftercare, scholarship or transitional  
17 support services if such funds are available.

18 2. The procedure developed by the department must be  
19 readily available to young adults and must provide for an  
20 appeal to the Secretary of Children and Family Services. The  
21 decision of the secretary constitutes final agency action and  
22 is reviewable by the court as provided in s. 120.68.

23 (6) ACCOUNTABILITY.--The department shall develop  
24 outcome measures for the program and other performance  
25 measures.

26 (7) INDEPENDENT LIVING SERVICES INTEGRATION  
27 WORKGROUP.--The Secretary of Children and Family Services  
28 shall establish the independent living services integration  
29 workgroup, which, at a minimum, shall include representatives  
30 from the Department of Children and Family Services, the  
31 Agency for Workforce Innovation, the Department of Education,

1 the Agency for Health Care Administration, the State Youth  
2 Advisory Board, Workforce Florida, Inc., and foster parents.  
3 The workgroup shall assess barriers to the effective and  
4 efficient integration of services and support across systems  
5 for the transition of older children in foster care to  
6 independent living. The workgroup shall recommend methods to  
7 overcome these barriers and shall ensure that the state plan  
8 for federal funding for the independent living transition  
9 services includes these recommendations. The workgroup shall  
10 report to appropriate legislative committees of the Senate and  
11 the House of Representatives by December 31, 2002. Specific  
12 issues and recommendations to be addressed by the workgroup  
13 include:

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

18 (b) Extending the age of Medicaid coverage from 21 to  
19 23 years of age for young adults formerly in foster care in  
20 order to enable such youth to complete a postsecondary  
21 education degree.

22 (c) Encouraging the regional workforce boards to  
23 provide priority employment and support for eligible foster  
24 care participants receiving independent living transition  
25 services.

26 (d) Facilitating transfers between schools when  
27 changes in foster care placements occur.

28 (e) Identifying mechanisms to increase the legal  
29 authority of foster parents and staff of the department or its  
30 agent to provide for the age-appropriate care of older  
31 children in foster care, including enrolling a child in

1 school, signing for a practice driver's license for the child  
2 under s. 322.09(4), cosigning loans and insurance for the  
3 child, signing for the child's medical treatment, and  
4 authorizing other similar activities as appropriate.

5 (f) Transferring the allowance of spending money that  
6 is provided by the department each month directly to an older  
7 child in the program through an electronic benefit transfer  
8 program. The purpose of the transfer is to allow these  
9 children to access and manage the allowance they receive in  
10 order to learn responsibility and participate in  
11 age-appropriate life skills activities.

12 (g) Identifying other barriers to normalcy for a child  
13 in foster care.

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

20 Section 4. Paragraph (f) of subsection (3) of section  
21 409.165, Florida Statutes, is amended to read:

22 409.165 Alternate care for children.--

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

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

29  
30 under such conditions as are determined to be for the best  
31 interests or the welfare of the child. Any child placed in an

1 institution or in a family home by the department or its  
2 agency may be removed by the department or its agency, and  
3 such other disposition may be made as is for the best interest  
4 of the child, including transfer of the child to another  
5 institution, another home, or the home of the child.  
6 Expenditure of funds appropriated for out-of-home care can be  
7 used to meet the needs of a child in the child's own home or  
8 the home of a relative if the child can be safely served in  
9 the child's own home or that of a relative if placement can be  
10 avoided by the expenditure of such funds, and if the  
11 expenditure of such funds in this manner is calculated by the  
12 department to be a potential cost savings.

13 Section 5. Notwithstanding subsection (7) of section 3  
14 of chapter 2000-321, Laws of Florida, section 239.117, 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:

18 239.117 Workforce development postsecondary student  
19 fees.--

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

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

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

31



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

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

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

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

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

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

1           (d) A student enrolled in an employment and training  
2 program under the welfare transition program. The regional  
3 workforce board shall pay the community college or school  
4 district for costs incurred for welfare transition program  
5 participants.

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

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

31

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

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

1 the same class section may charge a single fee for both types  
2 of instruction.

3 (b) Fees for continuing workforce education shall be  
4 locally determined by the school board or community college.  
5 However, at least 50 percent of the expenditures for the  
6 continuing workforce education program provided by the  
7 community college or school district must be derived from  
8 fees.

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

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

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

31

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

18           (9) The State Board of Education and the State Board  
19 of Community Colleges shall adopt rules to allow the deferral  
20 of registration and tuition fees for students receiving  
21 financial aid from a federal or state assistance program when  
22 such aid is delayed in being transmitted to the student  
23 through circumstances beyond the control of the student. The  
24 failure to make timely application for such aid is an  
25 insufficient reason to receive a deferral of fees. The rules  
26 must provide for the enforcement and collection or other  
27 settlement of delinquent accounts.

28           (10) Any veteran or other eligible student who  
29 receives benefits under chapter 30, chapter 31, chapter 32,  
30 chapter 34, or chapter 35 of Title 38, U.S.C., or chapter 106  
31 of Title 10, U.S.C., is entitled to one deferment each

1 academic year and an additional deferment each time there is a  
2 delay in the receipt of benefits.

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

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

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

1 which the student has been granted credit. School districts  
2 and community colleges that report enrollments in violation of  
3 this subsection shall be penalized at a rate equal to 2 times  
4 the value of such enrollments. Such penalty shall be charged  
5 against the following year's allocation from the Workforce  
6 Development Education Fund and shall revert to the General  
7 Revenue Fund.

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

14 (15) Each school board and community college board of  
15 trustees may establish a separate fee for capital  
16 improvements, technology enhancements, or equipping buildings  
17 which may not exceed 5 percent of the matriculation fee for  
18 resident students or 5 percent of the matriculation and  
19 tuition fee for nonresident students. Funds collected by  
20 community colleges through these fees may be bonded only for  
21 the purpose of financing or refinancing new construction and  
22 equipment, renovation, or remodeling of educational  
23 facilities. The fee shall be collected as a component part of  
24 the registration and tuition fees, paid into a separate  
25 account, and expended only to construct and equip, maintain,  
26 improve, or enhance the certificate career education or adult  
27 education facilities of the school district or community  
28 college. Projects funded through the use of the capital  
29 improvement fee must meet the survey and construction  
30 requirements of chapter 235. Pursuant to s. 216.0158, each  
31 school board and community college board of trustees shall

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

26 (16) Community colleges and district school boards are  
27 not authorized to charge students enrolled in workforce  
28 development programs any fee that is not specifically  
29 authorized by statute. In addition to matriculation, tuition,  
30 financial aid, capital improvement, and technology fees, as  
31 authorized in this section, community colleges and district



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

29 (17) Each district school board and community college  
30 district board of trustees is authorized to establish specific  
31 fees for workforce development instruction not reported for

1 state funding purposes or for workforce development  
2 instruction not reported as state funded full-time equivalent  
3 students. District school boards and district boards of  
4 trustees are not required to charge any other fee specified in  
5 this section for this type of instruction.

6 (18) Each district school board and community college  
7 district board of trustees is authorized to establish a  
8 separate fee for technology, not to exceed \$1.80 per credit  
9 hour or credit-hour equivalent for resident students and not  
10 more than \$5.40 per credit hour or credit-hour equivalent for  
11 nonresident students, or the equivalent, to be expended in  
12 accordance with technology improvement plans. The technology  
13 fee may apply only to associate degree programs and courses.  
14 Fifty percent of technology fee revenues may be pledged by a  
15 community college board of trustees as a dedicated revenue  
16 source for the repayment of debt, including lease-purchase  
17 agreements, not to exceed the useful life of the asset being  
18 financed. Revenues generated from the technology fee may not  
19 be bonded.

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

25 240.235 Fees.--

26 (1) Each university is authorized to establish  
27 separate activity and service, health, and athletic fees.  
28 When duly established, the fees shall be collected as  
29 component parts of the registration and tuition fees and shall  
30 be retained by the university and paid into the separate  
31 activity and service, health, and athletic funds.

1           (a)1. Each university president shall establish a  
2 student activity and service fee on the main campus of the  
3 university. The university president may also establish a  
4 student activity and service fee on any branch campus or  
5 center. Any subsequent increase in the activity and service  
6 fee must be recommended by an activity and service fee  
7 committee, at least one-half of whom are students appointed by  
8 the student body president. The remainder of the committee  
9 shall be appointed by the university president. A  
10 chairperson, appointed jointly by the university president and  
11 the student body president, shall vote only in the case of a  
12 tie. The recommendations of the committee shall take effect  
13 only after approval by the university president, after  
14 consultation with the student body president, with final  
15 approval by the Board of Regents. An increase in the activity  
16 and service fee may occur only once each fiscal year and must  
17 be implemented beginning with the fall term. The Board of  
18 Regents is responsible for promulgating the rules and  
19 timetables necessary to implement this fee.

20           2. The student activity and service fees shall be  
21 expended for lawful purposes to benefit the student body in  
22 general. This shall include, but shall not be limited to,  
23 student publications and grants to duly recognized student  
24 organizations, the membership of which is open to all students  
25 at the university without regard to race, sex, or religion.  
26 The fund may not benefit activities for which an admission fee  
27 is charged to students, except for  
28 student-government-association-sponsored concerts. The  
29 allocation and expenditure of the fund shall be determined by  
30 the student government association of the university, except  
31 that the president of the university may veto any line item or

1 portion thereof within the budget when submitted by the  
2 student government association legislative body. The  
3 university president shall have 15 school days from the date  
4 of presentation of the budget to act on the allocation and  
5 expenditure recommendations, which shall be deemed approved if  
6 no action is taken within the 15 school days. If any line item  
7 or portion thereof within the budget is vetoed, the student  
8 government association legislative body shall within 15 school  
9 days make new budget recommendations for expenditure of the  
10 vetoed portion of the fund. If the university president  
11 vetoes any line item or portion thereof within the new budget  
12 revisions, the university president may reallocate by line  
13 item that vetoed portion to bond obligations guaranteed by  
14 activity and service fees. Unexpended funds and undisbursed  
15 funds remaining at the end of a fiscal year shall be carried  
16 over and remain in the student activity and service fund and  
17 be available for allocation and expenditure during the next  
18 fiscal year.

19 (b) Each university president shall establish a  
20 student health fee on the main campus of the university. The  
21 university president may also establish a student health fee  
22 on any branch campus or center. Any subsequent increase in the  
23 health fee must be recommended by a health committee, at least  
24 one-half of whom are students appointed by the student body  
25 president. The remainder of the committee shall be appointed  
26 by the university president. A chairperson, appointed jointly  
27 by the university president and the student body president,  
28 shall vote only in the case of a tie. The recommendations of  
29 the committee shall take effect only after approval by the  
30 university president, after consultation with the student body  
31 president, with final approval by the Board of Regents. An

1 increase in the health fee may occur only once each fiscal  
2 year and must be implemented beginning with the fall term. The  
3 Board of Regents is responsible for promulgating the rules and  
4 timetables necessary to implement this fee.

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

30 (2) The university may permit the deferral of  
31 registration and tuition fees for those students receiving

1 financial aid from federal or state assistance programs when  
2 such aid is delayed in being transmitted to the student  
3 through circumstances beyond the control of the student.  
4 Failure to make timely application for such aid shall be  
5 insufficient reason to receive such deferral. Veterans and  
6 other eligible students receiving benefits under chapter 30,  
7 chapter 31, chapter 32, chapter 34, or chapter 35, 38 U.S.C.,  
8 or chapter 106, 10 U.S.C., shall be entitled to one deferment  
9 each academic year and an additional deferment each time there  
10 is a delay in the receipt of their benefits.

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

25 (4) Students enrolled in a dual enrollment or early  
26 admission program pursuant to s. 240.116 shall be exempt from  
27 the payment of registration, matriculation, and laboratory  
28 fees. Students enrolled in accordance with this subsection may  
29 be calculated as the proportional shares of full-time  
30 equivalent enrollments each such student generates for state  
31 funding purposes.

1           (5)(a) Any student to ~~for~~ whom the state has awarded a  
2 Road-to-Independence Scholarship ~~is paying a foster care board~~  
3 ~~payment pursuant to s. 409.145(3) or parts II and III of~~  
4 ~~chapter 39, for whom the permanency planning goal pursuant to~~  
5 ~~part III of chapter 39 is long-term foster care or independent~~  
6 ~~living,~~ or who is adopted from the Department of Children and  
7 Family Services after May 5, 1997, shall be exempt from the  
8 payment of all undergraduate fees, including fees associated  
9 with enrollment in college-preparatory instruction or  
10 completion of college-level communication and computation  
11 skills testing programs. Before a fee exemption can be given,  
12 the student shall have applied for and been denied financial  
13 aid, pursuant to s. 240.404, which would have provided, at a  
14 minimum, payment of all undergraduate fees. Such exemption  
15 shall be available to any student adopted from the Department  
16 of Children and Family Services after May 5, 1997; however,  
17 the exemption shall be valid for no more than 4 years after  
18 the date of graduation from high school.

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

27           (c) As a condition for continued fee exemption, a  
28 student shall have earned a grade point average of at least  
29 2.0 on a 4.0 scale for the previous term, maintain at least an  
30 overall 2.0 average for college work, or have an average below  
31

1 2.0 for only the previous term and be eligible for continued  
2 enrollment in the institution.

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

23 (7) Each university may assess a service charge for  
24 the payment of tuition and fees in installments. Such service  
25 charge must be approved by the Board of Regents. The revenues  
26 from such service charges shall be deposited into a student  
27 fee trust fund the Legislature has established and assigned to  
28 the university for that purpose.

29 (8) Any graduate student enrolled in a state-approved  
30 school psychology training program shall be entitled to a  
31 waiver of registration fees for internship credit hours



1 applicable to an internship in the public school system under  
2 the supervision of a Department of Education certified school  
3 psychologist employed by the school system.

4 (9) The Board of Regents shall exempt one-half of all  
5 tuition and course-related fees for certain members of the  
6 active Florida National Guard pursuant to the provisions of s.  
7 250.10(8).

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

14 (11) Students who are enrolled in Programs in Medical  
15 Sciences are considered graduate students for the purpose of  
16 enrollment and student fees.

17 Section 7. Notwithstanding subsection (7) of section 3  
18 of chapter 2000-321, Laws of Florida, section 240.35, Florida  
19 Statutes, shall not stand repealed on January 7, 2003, as  
20 scheduled by that law, but that section, as amended by section  
21 8 of chapter 2001-254, Laws of Florida, and section 12 of  
22 chapter 2001-254, Laws of Florida, is reenacted and amended to  
23 read:

24 240.35 Student fees.--Unless otherwise provided, the  
25 provisions of this section apply only to fees charged for  
26 college credit instruction leading to an associate in arts  
27 degree, an associate in applied science degree, or an  
28 associate in science degree and noncollege credit  
29 college-preparatory courses defined in s. 239.105.

30 (1) The State Board of Community Colleges shall  
31 establish the matriculation and tuition fees for

1 college-preparatory instruction and for credit instruction  
2 which may be counted toward an associate in arts degree, an  
3 associate in applied science degree, or an associate in  
4 science degree.

5 (2)(a) Any student to ~~for~~ whom the state has awarded  
6 the Road-to-Independence Scholarship ~~is paying a foster care~~  
7 ~~board payment pursuant to s. 409.145(3) or parts II and III of~~  
8 ~~chapter 39, for whom the permanency planning goal pursuant to~~  
9 ~~part III of chapter 39 is long-term foster care or independent~~  
10 ~~living,~~ or who is adopted from the Department of Children and  
11 Family Services after May 5, 1997, shall be exempt from the  
12 payment of all undergraduate fees, including fees associated  
13 with enrollment in college-preparatory instruction or  
14 completion of the college-level communication and computation  
15 skills testing program. Before a fee exemption can be given,  
16 the student shall have applied for and been denied financial  
17 aid, pursuant to s. 240.404, which would have provided, at a  
18 minimum, payment of all student fees. Such exemption shall be  
19 available to any student adopted from the Department of  
20 Children and Family Services after May 5, 1997; however, the  
21 exemption shall be valid for no more than 4 years after the  
22 date of graduation from high school.

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

31

1           (c) As a condition for continued fee exemption, a  
2 student shall earn a grade point average of at least 2.0 on a  
3 4.0 scale for the previous term, maintain at least an overall  
4 2.0 average for college work, or have an average below 2.0 for  
5 only the previous term and be eligible for continued  
6 enrollment in the institution.

7           (3) Students enrolled in dual enrollment and early  
8 admission programs under s. 240.116 and students enrolled in  
9 employment and training programs under the welfare transition  
10 program are exempt from the payment of registration,  
11 matriculation, and laboratory fees; however, such students may  
12 not be included within calculations of fee-waived enrollments.  
13 The regional workforce board shall pay the community college  
14 for costs incurred by that participant related to that  
15 person's classes or program. Other fee-exempt instruction  
16 provided under this subsection generates an additional  
17 one-fourth full-time equivalent enrollment.

18           (4) Any proprietor, owner, or worker of a company  
19 whose business has been at least 50-percent negatively  
20 financially impacted by the buyout of property around Lake  
21 Apopka by the State of Florida is exempt from the payment of  
22 registration, matriculation, and laboratory fees. A student  
23 receiving a fee exemption in accordance with this subsection  
24 must not have received compensation because of the buyout,  
25 must be designated a Florida resident for tuition purposes  
26 pursuant to s. 240.1201, and must first have applied for and  
27 been denied financial aid, pursuant to s. 240.404, which would  
28 have provided, at a minimum, payment of all student fees. The  
29 student is responsible for providing evidence to the  
30 postsecondary education institution verifying that the  
31 conditions of this subsection have been met, including support

1 documentation provided by the Department of Revenue. The  
2 student must be currently enrolled in, or begin coursework  
3 within, a program area by fall semester 2000. The exemption  
4 is valid for a period of 4 years from the date that the  
5 postsecondary education institution confirms that the  
6 conditions of this subsection have been met.

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

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

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

1 the funds on instruction. If the Legislature provides for an  
2 alternative fee schedule in an appropriations act, the fee  
3 schedule shall take effect the subsequent fall semester.

4 (7) Each community college board of trustees shall  
5 establish matriculation and tuition fees, which may vary no  
6 more than 10 percent below and 15 percent above the fee  
7 schedule adopted by the State Board of Community Colleges,  
8 provided that any amount from 10 to 15 percent above the fee  
9 schedule is used only to support safety and security purposes.

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

27 (8) The sum of nonresident student matriculation and  
28 tuition fees must be sufficient to defray the full cost of  
29 each program. The annual fee increases for nonresident  
30 students established by the board, in the absence of  
31

1 legislative action to the contrary in an appropriations act,  
2 may not exceed 25 percent.

3 (9) The State Board of Community Colleges shall adopt  
4 a rule specifying the definitions and procedures to be used in  
5 the calculation of the percentage of cost paid by students.  
6 The rule must provide for the calculation of the full cost of  
7 educational programs based on the allocation of all funds  
8 provided through the general current fund to programs of  
9 instruction, and other activities as provided in the annual  
10 expenditure analysis. The rule shall be developed in  
11 consultation with the Legislature.

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

25 (11)(a) Each community college is authorized to  
26 establish a separate fee for financial aid purposes in an  
27 additional amount up to, but not to exceed, 5 percent of the  
28 total student tuition or matriculation fees collected. Each  
29 community college may collect up to an additional 2 percent if  
30 the amount generated by the total financial aid fee is less  
31 than \$250,000. If the amount generated is less than \$250,000,

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

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

19 (c) Up to 25 percent or \$300,000, whichever is  
20 greater, of the financial aid fees collected may be used to  
21 assist students who demonstrate academic merit; who  
22 participate in athletics, public service, cultural arts, and  
23 other extracurricular programs as determined by the  
24 institution; or who are identified as members of a targeted  
25 gender or ethnic minority population. The financial aid fee  
26 revenues allocated for athletic scholarships and fee  
27 exemptions provided pursuant to subsection (17) for athletes  
28 shall be distributed equitably as required by s.

29 228.2001(3)(d). A minimum of 50 percent of the balance of  
30 these funds shall be used to provide financial aid based on  
31 absolute need, and the remainder of the funds shall be used

1 for academic merit purposes and other purposes approved by the  
2 district boards of trustees. Such other purposes shall  
3 include the payment of child care fees for students with  
4 financial need. The State Board of Community Colleges shall  
5 develop criteria for making financial aid awards. Each  
6 college shall report annually to the Department of Education  
7 on the criteria used to make awards, the amount and number of  
8 awards for each criterion, and a delineation of the  
9 distribution of such awards. Awards which are based on  
10 financial need shall be distributed in accordance with a  
11 nationally recognized system of need analysis approved by the  
12 State Board of Community Colleges. An award for academic merit  
13 shall require a minimum overall grade point average of 3.0 on  
14 a 4.0 scale or the equivalent for both initial receipt of the  
15 award and renewal of the award.

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

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



1           (13) Each community college shall report only those  
2 students who have actually enrolled in instruction provided or  
3 supervised by instructional personnel under contract with the  
4 community college in calculations of actual full-time  
5 equivalent enrollments for state funding purposes. No student  
6 who has been exempted from taking a course or who has been  
7 granted academic or vocational credit through means other than  
8 actual coursework completed at the granting institution shall  
9 be calculated for enrollment in the course from which he or  
10 she has been exempted or granted credit. Community colleges  
11 that report enrollments in violation of this subsection shall  
12 be penalized at a rate equal to two times the value of such  
13 enrollments. Such penalty shall be charged against the  
14 following year's allocation from the Community College Program  
15 Fund and shall revert to the General Revenue Fund.

16           (14) Each community college board of trustees may  
17 establish a separate fee for capital improvements, technology  
18 enhancements, or equipping student buildings which may not  
19 exceed \$1 per credit hour or credit-hour equivalent for  
20 residents and which equals or exceeds \$3 per credit hour for  
21 nonresidents. Funds collected by community colleges through  
22 these fees may be bonded only for the purpose of financing or  
23 refinancing new construction and equipment, renovation, or  
24 remodeling of educational facilities. The fee shall be  
25 collected as a component part of the registration and tuition  
26 fees, paid into a separate account, and expended only to  
27 construct and equip, maintain, improve, or enhance the  
28 educational facilities of the community college. Projects  
29 funded through the use of the capital improvement fee shall  
30 meet the survey and construction requirements of chapter 235.  
31 Pursuant to s. 216.0158, each community college shall identify

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

25 (15) In addition to matriculation, tuition, financial  
26 aid, capital improvement, student activity and service, and  
27 technology fees authorized in this section, each board of  
28 trustees is authorized to establish fee schedules for the  
29 following user fees and fines: laboratory fees; parking fees  
30 and fines; library fees and fines; fees and fines relating to  
31 facilities and equipment use or damage; access or

1 identification card fees; duplicating, photocopying, binding,  
2 or microfilming fees; standardized testing fees; diploma  
3 replacement fees; transcript fees; application fees;  
4 graduation fees; and late fees related to registration and  
5 payment. Such user fees and fines shall not exceed the cost of  
6 the services provided and shall only be charged to persons  
7 receiving the service. Community colleges are not authorized  
8 to charge any fee that is not specifically authorized by  
9 statute. Parking fee revenues may be pledged by a community  
10 college board of trustees as a dedicated revenue source for  
11 the repayment of debt, including lease-purchase agreements and  
12 revenue bonds with terms not exceeding 20 years and not  
13 exceeding the useful life of the asset being financed.

14 Community colleges shall use the services of the Division of  
15 Bond Finance of the State Board of Administration to issue any  
16 revenue bonds authorized by the provisions of this subsection.  
17 Any such bonds issued by the Division of Bond Finance shall be  
18 in compliance with the provisions of the State Bond Act. Bonds  
19 issued pursuant to the State Bond Act shall be validated in  
20 the manner established in chapter 75. The complaint for such  
21 validation shall be filed in the circuit court of the county  
22 where the seat of state government is situated, the notice  
23 required to be published by s. 75.06 shall be published only  
24 in the county where the complaint is filed, and the complaint  
25 and order of the circuit court shall be served only on the  
26 state attorney of the circuit in which the action is pending.

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

1 students, to be expended according to technology improvement  
2 plans. The technology fee may apply to both college credit and  
3 college-preparatory instruction. Fifty percent of technology  
4 fee revenues may be pledged by a community college board of  
5 trustees as a dedicated revenue source for the repayment of  
6 debt, including lease-purchase agreements, not to exceed the  
7 useful life of the asset being financed. Revenues generated  
8 from the technology fee may not be bonded.

9 (17) Each community college is authorized to grant  
10 student fee exemptions from all fees adopted by the State  
11 Board of Community Colleges and the community college board of  
12 trustees for up to 40 full-time equivalent students at each  
13 institution.

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

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

26 (4) A child who is eligible under Title IV-E of the  
27 Social Security Act for subsidized board payments, foster  
28 care, or adoption subsidies, and a child for whom the state  
29 has assumed temporary or permanent responsibility and who does  
30 not qualify for Title IV-E assistance but is in foster care,  
31 shelter or emergency shelter care, or subsidized adoption.

1 This category includes a child who was eligible under Title  
2 IV-E of the Social Security Act for foster care or the  
3 state-provided foster care, who exited foster care due to  
4 attaining the age of 18 years, and who has been awarded a  
5 Road-to-Independence Scholarship.

6 Section 9. Subsection (3) of section 409.145, Florida  
7 Statutes, and subsection (4) of section 409.165, Florida  
8 Statutes, are repealed.

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

23 Section 11. This act shall take effect October 1,  
24 2002.