

1
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.

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