

By the Committee on Children and Families; and Senator
Saunders

300-1825-02

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 quality-of-life
23 activities; providing for services for young
24 adults formerly in foster care; specifying the
25 services and eligibility for the
26 aftercare-support services; specifying the
27 services, eligibility, and award-issuance
28 process and conditions for the
29 Road-to-Independence Scholarship Program;
30 providing for an appeals process; providing for
31 department and program accountability;

1 establishing an independent-living-services
2 integration workgroup; providing workgroup
3 membership and duties; providing rulemaking
4 authority; amending s. 409.165, F.S.;
5 conforming provisions relating to alternate
6 care for children; amending ss. 239.117,
7 240.235, 240.35, F.S., relating to workforce
8 development, university fees, and student fees;
9 conforming provisions to changes made by the
10 act with respect to the Road-to-Independence
11 Scholarship; amending 409.903, F.S.; specifying
12 that a child who is eligible for certain
13 payments for medical assistance and related
14 services includes a child who has been awarded
15 a Road-to-Independence Scholarship; repealing
16 ss. 409.145(3), 409.165(4), F.S., relating to
17 services for youth age 18 and older and to the
18 use of state foster-care funds to establish a
19 continuum of services and an independent-living
20 program; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:
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24 Section 1. This act may be cited as the
25 "Road-to-Independence Act."

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

28 409.145 Care of children.--

29 (1) The department shall conduct, supervise, and
30 administer a program for dependent children and their
31

1 families. The services of the department are to be directed
2 toward the following goals:

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

5 Section 3. Section 409.1451, Florida Statutes, is
6 created to read:

7 409.1451 Independent-living transition services.--

8 (1) SYSTEM OF SERVICES.--

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

14 (b) The goals of independent-living transition
15 services are to assist older children in foster care and young
16 adults who were formerly in foster care to obtain life skills
17 and education for independent living and employment, to have a
18 quality of life appropriate for their age, and to assume
19 personal responsibility for becoming self-sufficient adults.

20 (c) State funds for foster care or federal funds shall
21 be used to establish a continuum of services for eligible
22 children in foster care and eligible young adults who were
23 formerly in foster care which accomplish the goals for the
24 independent-living transition services and provide the service
25 components for services for foster children, as provided in
26 subsection (3), and services for young adults who were
27 formerly in foster care, as provided in subsection (5).

28 (d) For children in foster care, independent-living
29 transition services are not an alternative to adoption.
30 Independent-living transition services may occur concurrently
31

1 with continued efforts to locate and achieve placement in
2 adoptive families for older children in foster care.

3 (2) ELIGIBILITY.--

4 (a) The department shall serve children who are 13 to
5 18 years of age and who are in foster care through the program
6 component of services for foster children provided in
7 subsection (3). Children to be served must meet the
8 eligibility requirements set forth for specific services as
9 provided in this section and through department rule.

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

17 (3) PROGRAM COMPONENT OF SERVICES FOR FOSTER
18 CHILDREN.--The department shall provide the following
19 transition to independence services to children in foster care
20 who meet prescribed conditions and are determined eligible by
21 the department. The service categories available to children
22 in foster care which facilitate successful transition into
23 adulthood are:

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

25 1. Pre-independent-living services include, but are
26 not limited to, life-skills training, educational field trips,
27 and conferences. The specific services to be provided to a
28 child shall be determined using a pre-independent-living
29 assessment.

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

- 1 (b) Life-skills services.--
2 1. Life-skills services may include, but are not
3 limited to, independent-living-skills training, educational
4 support, employment training, and counseling. The specific
5 services to be provided to a child shall be determined using
6 an independent-life-skills assessment.
7 2. A child 15 to 18 years of age who is in foster care
8 is eligible for such services.
9 (c) Subsidized independent-living services.--
10 1. Subsidized independent-living services are living
11 arrangements that allow the child to live independently of the
12 daily care and supervision of an adult in a setting that is
13 not required to be licensed under s. 409.175.
14 2. A child 16 to 18 years of age is eligible for such
15 services if he or she:
16 a. Is adjudicated dependent under chapter 39; has been
17 placed in a licensed out-of-home care for at least 6 months
18 prior to entering subsidized independent living; and has a
19 permanency goal of adoption, independent living, or long-term
20 licensed care; and
21 b. Is able to demonstrate independent-living skills,
22 as determined by the department, using established procedures
23 and assessments.
24 3. Independent-living arrangements established for a
25 child must be part of an overall plan leading to the total
26 independence of the child from the department's supervision.
27 The plan must include, but need not be limited to, a
28 description of the skills of the child and a plan for learning
29 additional identified skills; the behavior that the child has
30 exhibited which indicates an ability to be responsible and a
31 plan for developing additional responsibilities, as

1 appropriate; a plan for future educational, vocational, and
2 training skills; present financial and budgeting capabilities
3 and a plan for improving resources and ability; a description
4 of the proposed residence; documentation that the child
5 understands the specific consequences of his or her conduct in
6 the independent-living program; documentation of proposed
7 services to be provided by the department and other agencies,
8 including the type of service and the nature and frequency of
9 contact; and a plan for maintaining or developing
10 relationships with the family, other adults, friends, and the
11 community, as appropriate.

12 4. Subsidy payments in an amount established by the
13 department may be made directly to a child under the direct
14 supervision of a caseworker or other responsible adult
15 approved by the department.

16 (4) PARTICIPATION IN LIFE-SKILLS ACTIVITIES.--In order
17 to assist older children in foster care, ages 13 to 18 years
18 of age, with the transition to independent living as adults,
19 the program must provide them with opportunities to
20 participate in and learn from life-skills activities in their
21 foster families and communities which are reasonable and
22 appropriate for their age. Such activities may include, but
23 are not limited to, managing money earned from a job, taking
24 driver's education, and participating in after-school or
25 extracurricular activities. To support these opportunities for
26 participation in age-appropriate, life-skills activities, the
27 department may:

28 (a) Develop, with children in the program and their
29 foster parents, a list of age-appropriate activities and
30 responsibilities to be presented to all children involved in
31

1 independent-living transition services and their foster
2 parents.

3 (b) Provide training for staff and foster parents
4 which addresses issues of older children in foster care and
5 the transition to adulthood, including supporting education
6 and employment and providing opportunities to participate in
7 appropriate daily activities.

8 (c) Develop procedures to maximize the authority of
9 foster parents to approve participation in age-appropriate
10 activities of children in their care.

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

13 (e) Develop and implement procedures for older
14 children to directly access and manage the personal allowance
15 they receive from the department in order to learn
16 responsibility and participate in age-appropriate, life-skills
17 activities to the extent feasible.

18 (5) PROGRAM COMPONENT OF SERVICES FOR YOUNG ADULTS
19 FORMERLY IN FOSTER CARE.--Based on the availability of funds,
20 the department shall provide or arrange for the following
21 services to young adults formerly in foster care who meet the
22 prescribed conditions and are determined eligible by the
23 department. The categories of services available to assist a
24 young adult formerly in foster care to achieve independence
25 are:

26 (a) Aftercare-support services.--

27 1. Aftercare-support services include, but are not
28 limited to, referrals to resources in the community for:

29 a. Mentoring and tutoring;

30 b. Mental health services and substance-abuse
31 counseling;

- 1 c. Life-skills classes, including credit management
2 and preventive-health activities;
3 d. Parenting classes; and
4 e. Job-skills training.
5

6 The specific services to be provided under this subparagraph
7 shall be determined by an aftercare-services assessment.
8 Temporary assistance may be provided to prevent homelessness
9 within the limitations defined by the department.

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

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

14 1. This scholarship is intended to help eligible
15 students who are former foster children in this state to
16 receive the educational and vocational training needed to
17 achieve independence. The amount of the award shall equal the
18 earnings that the student would have been eligible to earn
19 working a 40-hour-a-week federal minimum-wage job, after
20 considering other grants and scholarships that are in excess
21 of the educational institutions' fees and costs, and
22 contingent upon available funds. Students eligible for the
23 Road-to-Independence Scholarship Program may also be eligible
24 for educational fee waivers for workforce development
25 postsecondary programs, community colleges, and universities,
26 pursuant to ss. 239.117(4)(c), 240.235(5)(a), and
27 240.35(2)(a).

28 2. A young adult 18 to 21 years of age is eligible for
29 the initial award, and a young adult under 23 years of age is
30 eligible for renewal awards, if he or she:
31

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

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

6 c. Is a resident of this state as defined in s.
7 240.404; and

8 d. Meets one of the following qualifications:

9 (I) Has earned a standard high school diploma or its
10 equivalent as described in s. 232.246 or s. 229.814, and has
11 been admitted for full-time enrollment in an eligible
12 postsecondary educational institution as defined in s.
13 240.40204;

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

19 (III) Is enrolled full-time in an accredited
20 adult-education program designed to provide the student with a
21 high school diploma or its equivalent, is making satisfactory
22 progress in that program as certified by the program, and is
23 within 2 years of graduation.

24 3.a. The department must advertise the availability of
25 the program and must ensure that the children and young adults
26 leaving foster care, foster parents, or family-services
27 counselors are informed of the availability of the program and
28 the application procedures.

29 b. A young adult must apply for the initial award
30 during the 6 months immediately preceding his or her 18th
31 birthday. A young adult who fails to make an initial

1 application, but who otherwise meets the criteria for an
2 initial award, may make one application for the initial award
3 if such application is made before the young adult's 21st
4 birthday.

5 c. If funding for the program is available, the
6 department shall issue awards from the scholarship program for
7 each young adult who meets all the requirements of the
8 program.

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

11 e. If the award recipient transfers from one eligible
12 institution to another and continues to meet eligibility
13 requirements, the award must be transferred with the
14 recipient.

15 f. Scholarship funds awarded to any eligible young
16 adult under this program are in addition to any other services
17 provided to the young adult by the department through its
18 independent-living transition services.

19 g. The department shall provide information concerning
20 young adults receiving the Road-to-Independence Scholarship to
21 the Department of Education for inclusion in the student
22 financial assistance database, as provided for in s.
23 240.40401.

24 h. Scholarship funds shall be terminated when the
25 young adult has attained a bachelor of arts or bachelor of
26 science degree, or equivalent undergraduate degree, or reaches
27 23 years of age, whichever occurs earlier.

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

1 (I) Complete at least 12 semester hours or the
2 equivalent in the last academic year in which the young adult
3 earned a scholarship, except for a young adult who meets the
4 requirements of s. 240.4041; and

5 (II) Maintain the cumulative grade-point average
6 required by the scholarship program, except that, if the young
7 adult's grades are insufficient to renew the scholarship at
8 any time during the eligibility period, the young adult may
9 restore eligibility by improving the grade-point average to
10 the required level.

11 j. Scholarship funds may be terminated during the
12 interim between an award and the evaluation for a renewal
13 award if the department determines that the award recipient is
14 no longer enrolled in an educational institution as defined in
15 sub-subparagraph 2.d., or is no longer a state resident. The
16 department shall notify a student who is terminated and inform
17 the student of his or her right to appeal.

18 k. An award recipient who does not qualify for a
19 renewal award or who chooses not to renew the award may
20 subsequently apply for reinstatement. An application for
21 reinstatement must be made before the young adult reaches 23
22 years of age and a student may not apply for reinstatement
23 more than once. In order to be eligible for reinstatement, the
24 young adult must meet the eligibility criteria and the
25 criteria for award renewal for the scholarship program.

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

29 (c) Appeals process.--

30 1. The Department of Children and Family Services
31 shall adopt, by rule, a procedure by which a young adult may

1 appeal an eligibility determination or the department's
2 failure to provide scholarship funds or aftercare-support
3 services if such funds are available.

4 2. The procedure developed by the department must be
5 readily available to young adults and provide for an appeal to
6 the Secretary of Children and Family Services. The decision of
7 the secretary constitutes final agency action and is
8 reviewable by the court as provided in s. 120.68.

9 (6) ACCOUNTABILITY.--The department shall develop
10 outcome measures for the program and other performance
11 measures.

12 (7) INDEPENDENT-LIVING SERVICES INTEGRATION
13 WORKGROUP.--The Secretary of Children and Family Services
14 shall establish the independent-living services integration
15 workgroup, which, at a minimum, shall include representatives
16 from the Department of Children and Family Services, the
17 Agency for Workforce Innovation, the Department of Education,
18 the Agency for Health Care Administration, the State Youth
19 Advisory Board, Workforce Florida, Inc., and foster parents.
20 The workgroup shall assess barriers to the effective and
21 efficient integration of services and support across systems
22 for the transition of older children in foster care to
23 independent living. The workgroup shall recommend methods to
24 overcome these barriers and shall ensure that the state plan
25 for federal funding for the independent-living transition
26 services include these recommendations. The workgroup shall
27 report to appropriate legislative committees of the Senate and
28 the House of Representatives by December 31, 2002. Specific
29 issues and recommendations to be addressed by the workgroup
30 include:

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

5 (b) Extending the age of Medicaid coverage from 21 to
6 23 years of age for young adults formerly in foster care in
7 order to enable such youth to complete a postsecondary
8 educational degree.

9 (c) Encouraging the regional workforce boards to
10 provide priority employment and support for eligible
11 foster-care participants receiving independent-living
12 transition services.

13 (d) Facilitating transfers between schools when
14 changes in foster-care placements occur.

15 (e) Identifying mechanisms to increase the legal
16 authority of foster parents and staff of the department or its
17 agent to provide for the age-appropriate care of older
18 children in foster care, including enrolling a child in
19 school, signing for a practice driver's license for the child
20 under s. 322.09(4), cosigning loans and insurance for the
21 child, signing for the child's medical treatment, and
22 authorizing other similar activities as appropriate.

23 (f) Transferring the spending-money allowance that is
24 provided by the department each month directly to an older
25 child in the program through an electronic-benefit transfer
26 program. The purpose of the transfer is to allow these
27 children to access and manage the allowance they receive in
28 order to learn responsibility and participate in
29 age-appropriate, life-skills activities.

30 (g) Identifying other barriers to normalcy for a child
31 in foster care.

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

7 Section 4. Paragraph (f) of subsection (3) of section
8 409.165, Florida Statutes, is amended to read:

9 409.165 Alternate care for children.--

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

14 (f) In a subsidized independent-living ~~an independent~~
15 ~~living~~ situation, subject to the provisions of s.
16 409.1451(3)(c)~~subsection (4)~~,

17
18 under such conditions as are determined to be for the best
19 interests or the welfare of the child. Any child placed in an
20 institution or in a family home by the department or its
21 agency may be removed by the department or its agency, and
22 such other disposition may be made as is for the best interest
23 of the child, including transfer of the child to another
24 institution, another home, or the home of the child.

25 Expenditure of funds appropriated for out-of-home care can be
26 used to meet the needs of a child in the child's own home or
27 the home of a relative if the child can be safely served in
28 the child's own home or that of a relative if placement can be
29 avoided by the expenditure of such funds, and if the
30 expenditure of such funds in this manner is calculated by the
31 department to be a potential cost savings.

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

6 239.117 Workforce development postsecondary student
7 fees.--

8 (1) This section applies to students enrolled in
9 workforce development programs who are reported for funding
10 through the Workforce Development Education Fund, except that
11 college credit fees for the community colleges are governed by
12 s. 240.35.

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

15 (3) The following students are exempt from any
16 requirement for the payment of registration, matriculation,
17 and laboratory fees for adult basic, adult secondary, or
18 vocational-preparatory instruction:

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

21 (b) A student who has a high school diploma or its
22 equivalent and who has academic skills at or below the eighth
23 grade level pursuant to state board rule. A student is
24 eligible for this exemption from fees if the student's skills
25 are at or below the eighth grade level as measured by a test
26 administered in the English language and approved by the
27 Department of Education, even if the student has skills above
28 that level when tested in the student's native language.

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

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

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

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

20 (d) A student enrolled in an employment and training
21 program under the welfare transition program. The regional
22 workforce board shall pay the community college or school
23 district for costs incurred for welfare transition program
24 participants.

25 (e) A student who lacks a fixed, regular, and adequate
26 nighttime residence or whose primary nighttime residence is a
27 public or private shelter designed to provide temporary
28 residence for individuals intended to be institutionalized, or
29 a public or private place not designed for, or ordinarily used
30 as, a regular sleeping accommodation for human beings.

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

20 (5) School districts and community colleges may waive
21 fees for any fee-nonexempt student. The total value of fee
22 waivers granted by the school district or community college
23 may not exceed the amount established annually in the General
24 Appropriations Act. Any student whose fees are waived in
25 excess of the authorized amount may not be reported for state
26 funding purposes. Any school district or community college
27 that waives fees and requests state funding for a student in
28 violation of the provisions of this section shall be penalized
29 at a rate equal to 2 times the value of the full-time student
30 enrollment reported.

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

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

29 (c) The State Board of Education shall adopt a fee
30 schedule for school districts that produces the fee revenues
31 calculated pursuant to paragraph (a). The schedule so

1 calculated shall take effect, unless otherwise specified in
2 the General Appropriations Act.

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

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

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

1 students. Awards shall be based on student financial need and
2 distributed in accordance with a nationally recognized system
3 of need analysis approved by the State Board for Career
4 Education. Fees collected pursuant to this subsection shall be
5 allocated in an expeditious manner.

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

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

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

28 (12) Any school district or community college that
29 reports students who have not paid fees in an approved manner
30 in calculations of full-time equivalent enrollments for state
31 funding purposes shall be penalized at a rate equal to 2 times

1 the value of such enrollments. Such penalty shall be charged
2 against the following year's allocation from the Florida
3 Workforce Development Education Fund or the Community College
4 Program Fund and shall revert to the General Revenue Fund.
5 The State Board of Education shall specify, in rule, approved
6 methods of student fee payment. Such methods must include,
7 but need not be limited to, student fee payment; payment
8 through federal, state, or institutional financial aid; and
9 employer fee payments.

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

27 (14) School boards and community college boards of
28 trustees may establish scholarship funds using donations. If
29 such funds are established, school boards and community
30 college boards of trustees shall adopt rules that provide for
31

1 the criteria and methods for awarding scholarships from the
2 fund.

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

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

15 (16) Community colleges and district school boards are
16 not authorized to charge students enrolled in workforce
17 development programs any fee that is not specifically
18 authorized by statute. In addition to matriculation, tuition,
19 financial aid, capital improvement, and technology fees, as
20 authorized in this section, community colleges and district
21 school boards are authorized to establish fee schedules for
22 the following user fees and fines: laboratory fees; parking
23 fees and fines; library fees and fines; fees and fines
24 relating to facilities and equipment use or damage; access or
25 identification card fees; duplicating, photocopying, binding,
26 or microfilming fees; standardized testing fees; diploma
27 replacement fees; transcript fees; application fees;
28 graduation fees; and late fees related to registration and
29 payment. Such user fees and fines shall not exceed the cost of
30 the services provided and shall only be charged to persons
31 receiving the service. Parking fee revenues may be pledged by

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

18 (17) Each district school board and community college
19 district board of trustees is authorized to establish specific
20 fees for workforce development instruction not reported for
21 state funding purposes or for workforce development
22 instruction not reported as state funded full-time equivalent
23 students. District school boards and district boards of
24 trustees are not required to charge any other fee specified in
25 this section for this type of instruction.

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

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

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

14 240.235 Fees.--

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

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

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

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

1 revisions, the university president may reallocate by line
2 item that vetoed portion to bond obligations guaranteed by
3 activity and service fees. Unexpended funds and undisbursed
4 funds remaining at the end of a fiscal year shall be carried
5 over and remain in the student activity and service fund and
6 be available for allocation and expenditure during the next
7 fiscal year.

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

25 (c) Each university president shall establish a
26 separate athletic fee on the main campus of the university.
27 The university president may also establish a separate
28 athletic fee on any branch campus or center. The initial
29 aggregate athletic fee at each university shall be equal to,
30 but may be no greater than, the 1982-1983 per-credit-hour
31 activity and service fee contributed to intercollegiate

1 athletics, including women's athletics, as provided by s.
2 240.533. Concurrently with the establishment of the athletic
3 fee, the activity and service fee shall experience a one-time
4 reduction equal to the initial aggregate athletic fee. Any
5 subsequent increase in the athletic fee must be recommended by
6 an athletic fee committee, at least one-half of whom are
7 students appointed by the student body president. The
8 remainder of the committee shall be appointed by the
9 university president. A chairperson, appointed jointly by the
10 university president and the student body president, shall
11 vote only in the case of a tie. The recommendations of the
12 committee shall take effect only after approval by the
13 university president, after consultation with the student body
14 president, with final approval by the Board of Regents. An
15 increase in the athletic fee may occur only once each fiscal
16 year and must be implemented beginning with the fall term. The
17 Board of Regents is responsible for promulgating the rules and
18 timetables necessary to implement this fee.

19 (2) The university may permit the deferral of
20 registration and tuition fees for those students receiving
21 financial aid from federal or state assistance programs when
22 such aid is delayed in being transmitted to the student
23 through circumstances beyond the control of the student.
24 Failure to make timely application for such aid shall be
25 insufficient reason to receive such deferral. Veterans and
26 other eligible students receiving benefits under chapter 30,
27 chapter 31, chapter 32, chapter 34, or chapter 35, 38 U.S.C.,
28 or chapter 106, 10 U.S.C., shall be entitled to one deferment
29 each academic year and an additional deferment each time there
30 is a delay in the receipt of their benefits.

31

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

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

22 (5)(a) Any student to for whom the state has awarded a
23 Road-to-Independence Scholarship ~~is paying a foster care board~~
24 ~~payment pursuant to s. 409.145(3) or parts II and III of~~
25 ~~chapter 39, for whom the permanency planning goal pursuant to~~
26 ~~part III of chapter 39 is long-term foster care or independent~~
27 ~~living,~~ or who is adopted from the Department of Children and
28 Family Services after May 5, 1997, shall be exempt from the
29 payment of all undergraduate fees, including fees associated
30 with enrollment in college-preparatory instruction or
31 completion of college-level communication and computation

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

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

17 (c) As a condition for continued fee exemption, a
18 student shall have earned a grade point average of at least
19 2.0 on a 4.0 scale for the previous term, maintain at least an
20 overall 2.0 average for college work, or have an average below
21 2.0 for only the previous term and be eligible for continued
22 enrollment in the institution.

23 (6) Any proprietor, owner, or worker of a company
24 whose business has been at least 50-percent negatively
25 financially impacted by the buyout of property around Lake
26 Apopka by the State of Florida is exempt from the payment of
27 registration, matriculation, and laboratory fees. A student
28 receiving a fee exemption in accordance with this subsection
29 must not have received compensation because of the buyout,
30 must be designated a Florida resident for tuition purposes
31 pursuant to s. 240.1201, and must first have applied for and

1 | been denied financial aid, pursuant to s. 240.404, which would
2 | have provided, at a minimum, payment of all student fees. The
3 | student is responsible for providing evidence to the
4 | postsecondary education institution verifying that the
5 | conditions of this subsection have been met, including support
6 | documentation provided by the Department of Revenue. The
7 | student must be currently enrolled in, or begin coursework
8 | within, a program area by fall semester 2000. The exemption is
9 | valid for a period of 4 years from the date that the
10 | postsecondary education institution confirms that the
11 | conditions of this subsection have been met.

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

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

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

28 | (10) The Board of Regents may establish rules to allow
29 | for the waiver of out-of-state fees for nondegree-seeking
30 | students enrolled at State University System institutions if
31 | the earned student credit hours generated by such students are

1 nonfundable and the direct cost for the program of study is
2 recovered from the fees charged to all students.

3 (11) Students who are enrolled in Programs in Medical
4 Sciences are considered graduate students for the purpose of
5 enrollment and student fees.

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

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

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

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

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

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

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

26 (3) Students enrolled in dual enrollment and early
27 admission programs under s. 240.116 and students enrolled in
28 employment and training programs under the welfare transition
29 program are exempt from the payment of registration,
30 matriculation, and laboratory fees; however, such students may
31 not be included within calculations of fee-waived enrollments.

1 The regional workforce board shall pay the community college
2 for costs incurred by that participant related to that
3 person's classes or program. Other fee-exempt instruction
4 provided under this subsection generates an additional
5 one-fourth full-time equivalent enrollment.

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

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

28 (b) Community colleges may waive fees for any
29 fee-nonexempt student. A student whose fees are waived in
30 excess of the amount authorized annually in the General
31 Appropriations Act may not be included in calculations of

1 full-time equivalent enrollments for state funding purposes.
2 Any community college that waives fees and requests state
3 funding for a student in violation of the provisions of this
4 subsection shall be penalized at a rate equal to two times the
5 value of the full-time equivalent student enrollment reported
6 served. Such penalty shall be charged against the following
7 year's allocation from the Community College Program Fund.

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

23 (7) Each community college board of trustees shall
24 establish matriculation and tuition fees, which may vary no
25 more than 10 percent below and 15 percent above the fee
26 schedule adopted by the State Board of Community Colleges,
27 provided that any amount from 10 to 15 percent above the fee
28 schedule is used only to support safety and security purposes.
29 In order to assess an additional amount for safety and
30 security purposes, a community college board of trustees must
31 provide written justification to the State Board of Community

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

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

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

30 (10) Each community college district board of trustees
31 may establish a separate activity and service fee not to

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

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

27 (b) All funds collected under this program shall be
28 placed in the loan and endowment fund or scholarship fund of
29 the college, by whatever name known. Such funds shall be
30 disbursed to students as quickly as possible. An amount not
31 greater than 40 percent of the fees collected in a fiscal year

1 may be carried forward unexpended to the following fiscal
2 year. However, funds collected prior to July 1, 1989, and
3 placed in an endowment fund may not be considered part of the
4 balance of funds carried forward unexpended to the following
5 fiscal year.

6 (c) Up to 25 percent or \$300,000, whichever is
7 greater, of the financial aid fees collected may be used to
8 assist students who demonstrate academic merit; who
9 participate in athletics, public service, cultural arts, and
10 other extracurricular programs as determined by the
11 institution; or who are identified as members of a targeted
12 gender or ethnic minority population. The financial aid fee
13 revenues allocated for athletic scholarships and fee
14 exemptions provided pursuant to subsection (17) for athletes
15 shall be distributed equitably as required by s.
16 228.2001(3)(d). A minimum of 50 percent of the balance of
17 these funds shall be used to provide financial aid based on
18 absolute need, and the remainder of the funds shall be used
19 for academic merit purposes and other purposes approved by the
20 district boards of trustees. Such other purposes shall
21 include the payment of child care fees for students with
22 financial need. The State Board of Community Colleges shall
23 develop criteria for making financial aid awards. Each
24 college shall report annually to the Department of Education
25 on the criteria used to make awards, the amount and number of
26 awards for each criterion, and a delineation of the
27 distribution of such awards. Awards which are based on
28 financial need shall be distributed in accordance with a
29 nationally recognized system of need analysis approved by the
30 State Board of Community Colleges. An award for academic merit
31 shall require a minimum overall grade point average of 3.0 on

1 a 4.0 scale or the equivalent for both initial receipt of the
2 award and renewal of the award.

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

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

19 (13) Each community college shall report only those
20 students who have actually enrolled in instruction provided or
21 supervised by instructional personnel under contract with the
22 community college in calculations of actual full-time
23 equivalent enrollments for state funding purposes. No student
24 who has been exempted from taking a course or who has been
25 granted academic or vocational credit through means other than
26 actual coursework completed at the granting institution shall
27 be calculated for enrollment in the course from which he or
28 she has been exempted or granted credit. Community colleges
29 that report enrollments in violation of this subsection shall
30 be penalized at a rate equal to two times the value of such
31 enrollments. Such penalty shall be charged against the

1 following year's allocation from the Community College Program
2 Fund and shall revert to the General Revenue Fund.

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

1 State Bond Act. Bonds issued pursuant to the State Bond Act
2 shall be validated in the manner provided by chapter 75. The
3 complaint for such validation shall be filed in the circuit
4 court of the county where the seat of state government is
5 situated, the notice required to be published by s. 75.06
6 shall be published only in the county where the complaint is
7 filed, and the complaint and order of the circuit court shall
8 be served only on the state attorney of the circuit in which
9 the action is pending. A maximum of 15 cents per credit hour
10 may be allocated from the capital improvement fee for child
11 care centers conducted by the community college.

12 (15) In addition to matriculation, tuition, financial
13 aid, capital improvement, student activity and service, and
14 technology fees authorized in this section, each board of
15 trustees is authorized to establish fee schedules for the
16 following user fees and fines: laboratory fees; parking fees
17 and fines; library fees and fines; fees and fines relating to
18 facilities and equipment use or damage; access or
19 identification card fees; duplicating, photocopying, binding,
20 or microfilming fees; standardized testing fees; diploma
21 replacement fees; transcript fees; application fees;
22 graduation fees; and late fees related to registration and
23 payment. Such user fees and fines shall not exceed the cost of
24 the services provided and shall only be charged to persons
25 receiving the service. Community colleges are not authorized
26 to charge any fee that is not specifically authorized by
27 statute. Parking fee revenues may be pledged by a community
28 college board of trustees as a dedicated revenue source for
29 the repayment of debt, including lease-purchase agreements and
30 revenue bonds with terms not exceeding 20 years and not
31 exceeding the useful life of the asset being financed.

1 Community colleges shall use the services of the Division of
2 Bond Finance of the State Board of Administration to issue any
3 revenue bonds authorized by the provisions of this subsection.
4 Any such bonds issued by the Division of Bond Finance shall be
5 in compliance with the provisions of the State Bond Act. Bonds
6 issued pursuant to the State Bond Act shall be validated in
7 the manner established in chapter 75. The complaint for such
8 validation shall be filed in the circuit court of the county
9 where the seat of state government is situated, the notice
10 required to be published by s. 75.06 shall be published only
11 in the county where the complaint is filed, and the complaint
12 and order of the circuit court shall be served only on the
13 state attorney of the circuit in which the action is pending.

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

27 (17) Each community college is authorized to grant
28 student fee exemptions from all fees adopted by the State
29 Board of Community Colleges and the community college board of
30 trustees for up to 40 full-time equivalent students at each
31 institution.

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

3 409.903 Mandatory payments for eligible persons.--The
4 agency shall make payments for medical assistance and related
5 services on behalf of the following persons who the
6 department, or the Social Security Administration by contract
7 with the Department of Children and Family Services,
8 determines to be eligible, subject to the income, assets, and
9 categorical eligibility tests set forth in federal and state
10 law. Payment on behalf of these Medicaid eligible persons is
11 subject to the availability of moneys and any limitations
12 established by the General Appropriations Act or chapter 216.

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

24 Section 9. Subsection (3) of section 409.145, Florida
25 Statutes, and subsection (4) of section 409.165, Florida
26 Statutes, are repealed.

27 Section 10. This act shall take effect October 1,
28 2002.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 996
4 Restructures the newly created Independent Living Transition
5 Services as follows:
6 Provides goals for the services.
7 Establishes the eligibility for the youth to be served.
8 Establishes a program component for the services for
9 foster children which includes pre-independent living
10 services, life skills services and subsidized independent
11 living services.
12 Adds specific quality of life opportunities that the
13 Department of Children and Families is required to
14 provide to the foster children.
15 Establishes a program component for services for young
16 adults who were formerly in foster care which includes
17 aftercare support services and the Florida Road to
18 Independence Scholarship Program.
19 Provides for an appeals process for the program component
20 for young adults who were formerly in foster care.
21 Revises the membership of the Independent Living Services
22 Integration Workgroup and adds issues for the workgroup
23 to address.
24 Requires the Department of Children and Families to
25 develop rules and procedures to administer this section.
26 Replaces reference to students in foster care with students
27 awarded the Florida Road to Independence Scholarship in the
28 provisions that provide for fee exemptions for workforce
29 development education programs, community colleges and
30 universities.
31 Specifies that a child eligible for Medicaid includes a child
 who has been awarded a Florida Road to Independence
 Scholarship.