

Bill No. CS for SB 2-D

Amendment No. Barcode 085148

1 Appropriations Act. Any student whose fees are waived in
2 excess of the authorized amount may not be reported for state
3 funding purposes.

4 (3)(a) The Commissioner of Education shall provide to
5 the State Board of Education no later than January 31 of each
6 year a schedule of fees for adult and technical education,
7 excluding continuing workforce education, for school districts
8 and community colleges. The fee schedule shall be based on the
9 amount of student fees necessary to produce 25 percent of the
10 prior year's average cost of a course of study leading to a
11 certificate or diploma. Except as otherwise provided by law,
12 fees for students who are not residents for tuition purposes
13 must offset the full cost of instruction. Fee-nonexempt
14 students enrolled in vocational-preparatory instruction shall
15 be charged fees equal to the fees charged for certificate
16 career education instruction. Each community college that
17 conducts college-preparatory and vocational-preparatory
18 instruction in the same class section may charge a single fee
19 for both types of instruction.

20 (b) Fees for continuing workforce education shall be
21 locally determined by the district school board or community
22 college board. However, at least 50 percent of the
23 expenditures for the continuing workforce education program
24 provided by the community college or school district must be
25 derived from fees. These fees may vary by course and by
26 section.

27 (c) The State Board of Education shall adopt a fee
28 schedule for school districts and community colleges which
29 produces the fee revenues calculated pursuant to paragraph
30 (a). The schedule so calculated shall take effect, unless
31 otherwise specified in the General Appropriations Act.

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

4 (4) A district school board or community college board
5 that has a service area that borders another state may
6 implement a plan for a differential out-of-state fee.

7 (5) Each district school board and community college
8 board of trustees may establish a separate fee of up to 20
9 percent of the matriculation and tuition fees for adult and
10 technical education programs. This fee shall be collected as a
11 component part of the registration and tuition fees and must
12 be deposited into a separate account of the local educational
13 agency. Any undisbursed balance remaining in the account and
14 interest income accruing to investments from the account
15 increase the total funds available for distribution as
16 authorized in this subsection. Revenue generated by this fee
17 may be used for financial aid, capital improvements,
18 technology, and student activities and services. The local
19 educational agency may expend the revenue generated by this
20 fee under the following requirements:

21 (a) Student financial assistance, to provide awards to
22 students who demonstrate financial need in accordance with a
23 nationally recognized system of need analysis. Financial
24 assistance may also be provided by establishing child care for
25 students in adult and technical education programs.

26 (b) Capital improvements, to construct and equip,
27 maintain, improve, or enhance the adult and technical
28 education facilities of the school district or community
29 college.

30 (c) Technology, to be expended in accordance with
31 technology improvement plans.

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1 situated, the notice required to be published by s. 75.06
2 shall be published only in the county where the complaint is
3 filed, and the complaint and order of the circuit court shall
4 be served only on the state attorney of the circuit in which
5 the action is pending.

6 (6) Community college boards of trustees and district
7 school boards are not authorized to charge students enrolled
8 in adult and technical programs any fee that is not
9 specifically authorized by statute. In addition to tuition,
10 out-of-state, financial aid, capital improvement, and
11 technology fees, as authorized in this section, community
12 college boards of trustees and district school boards are
13 authorized to establish fee schedules for the following user
14 fees and fines: laboratory fees; parking fees and fines;
15 library fees and fines; fees and fines relating to facilities
16 and equipment use or damage; access or identification card
17 fees; duplicating, photocopying, binding, or microfilming
18 fees; standardized testing fees; diploma replacement fees;
19 transcript fees; application fees; graduation fees; and late
20 fees related to registration and payment. Such user fees and
21 fines shall not exceed the cost of the services provided and
22 shall only be charged to persons receiving the service.

23 Parking fee revenues may be pledged by a community college
24 board of trustees as a dedicated revenue source for the
25 repayment of debt, including lease-purchase agreements and
26 revenue bonds with terms not exceeding 20 years and not
27 exceeding the useful life of the asset being financed.

28 Community colleges shall use the services of the Division of
29 Bond Finance of the State Board of Administration to issue any
30 revenue bonds authorized by the provisions of this subsection.
31 Any such bonds issued by the Division of Bond Finance shall be

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1 in compliance with the provisions of the State Bond Act. Bonds
 2 issued pursuant to the State Bond Act shall be validated in
 3 the manner established in chapter 75. The complaint for such
 4 validation shall be filed in the circuit court of the county
 5 where the seat of state government is situated, the notice
 6 required to be published by s. 75.06 shall be published only
 7 in the county where the complaint is filed, and the complaint
 8 and order of the circuit court shall be served only on the
 9 state attorney of the circuit in which the action is pending.

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

26 (8) Each school district and community college may
 27 assess a service charge for the payment of tuition and fees in
 28 installments. Such service charge must be approved by the
 29 district school board or community college board of trustees.

30 (9) By October 1, 2002, the Department of Education
 31 shall determine an appropriate financial penalty for school

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1 districts and community colleges if they waive more in student
2 fees than the amount authorized in the General Appropriations
3 Act, or more than the authorized 8 percent if the General
4 Appropriations Act does not establish a limit. The State Board
5 of Education shall specify, in rule, approved methods of
6 student fee payment. Such methods must include, but need not
7 be limited to, student fee payment; payment through federal,
8 state, or institutional financial aid; and employer fee
9 payments.

10 (10) A student who has been exempted from taking a
11 course or who has been granted academic or technical credit
12 through means other than actual coursework completed at the
13 granting institution may not generate funding through the
14 formula. School districts and community colleges that report
15 students for funding in violation of this subsection shall be
16 penalized at a rate equal to 2 times the value of the funds
17 generated. Such penalty shall be charged against the following
18 year's allocation from the Workforce Development Education
19 Fund and shall revert to the General Revenue Fund.

20 Section 400. Section 1009.23, Florida Statutes, is
21 created to read:

22 1009.23 Community college student fees.--

23 (1) Unless otherwise provided, the provisions of this
24 section apply only to fees charged for college credit
25 instruction leading to an associate in arts degree, an
26 associate in applied science degree, or an associate in
27 science degree and noncollege credit college-preparatory
28 courses defined in s. 1004.02.

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

31 (3) The State Board of Education shall adopt by

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1 December 31 of each year a resident fee schedule for the
2 following fall for advanced and professional, associate in
3 science degree, and college-preparatory programs that produce
4 revenues in the amount of 25 percent of the full prior year's
5 cost of these programs. Fees for courses in
6 college-preparatory programs and associate in arts and
7 associate in science degree programs may be established at the
8 same level. In the absence of a provision to the contrary in
9 an appropriations act, the fee schedule shall take effect and
10 the colleges shall expend the funds on instruction. If the
11 Legislature provides for an alternative fee schedule in an
12 appropriations act, the fee schedule shall take effect the
13 subsequent fall semester.

14 (4)(a) Each community college board of trustees shall
15 establish tuition and out-of-state fees, which may vary no
16 more than 10 percent below and 15 percent above the combined
17 total of the fee schedule adopted by the State Board of
18 Education and the technology fee adopted by a board of
19 trustees, provided that any amount from 10 to 15 percent above
20 the fee schedule is used only to support safety and security
21 purposes. In order to assess an additional amount for safety
22 and security purposes, a community college board of trustees
23 must provide written justification to the State Board of
24 Education based on criteria approved by the board of trustees,
25 including, but not limited to, criteria such as local crime
26 data and information, and strategies for the implementation of
27 local safety plans.

28 (b) Each community college board of trustees may
29 designate matriculation and tuition fees to be expended
30 according to technology improvement plans approved by the
31 board. In order to fund the technology improvement plans, up

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1 to 5 percent of the total matriculation and tuition fee
2 revenues may be pledged as a dedicated revenue source for the
3 repayment of debt, including lease-purchase agreements, not
4 exceeding the useful life of the assets being financed. These
5 fee revenues may not be bonded.

6 (c) Each community college board of trustees may
7 establish a separate fee for student activity and service,
8 student financial aid, and capital improvements as provided
9 for in this section. The sum of these fees may not exceed 20
10 percent of the matriculation fee for all students and an
11 additional 20 percent of the tuition fee for nonresidents.
12 These fees must be collected as a component part of the
13 registration and tuition fees.

14 (5) Except as otherwise provided in law, the sum of
15 nonresident student tuition and out-of-state fees must be
16 sufficient to defray the full cost of each program.

17 (6) A community college board of trustees that has a
18 service area that borders another state may implement a plan
19 for a differential out-of-state fee.

20 (7) Each community college board of trustees may
21 establish a separate activity and service fee. The student
22 activity and service fee shall be collected as a component
23 part of the tuition and fees. The student activity and service
24 fees shall be paid into a student activity and service fund at
25 the community college and shall be expended for lawful
26 purposes to benefit the student body in general. These
27 purposes include, but are not limited to, student publications
28 and grants to duly recognized student organizations, the
29 membership of which is open to all students at the community
30 college without regard to race, sex, or religion.

31 (8)(a) Each community college board of trustees must

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1 establish a financial aid fee of not less than 5 percent of
2 the tuition fee. If the amount generated by the financial aid
3 fee is less than \$250,000, a community college that charges
4 tuition and out-of-state fees at least equal to the average
5 fees established by rule may transfer from the general current
6 fund to the scholarship fund an amount equal to the difference
7 between \$250,000 and the amount generated by the total
8 financial aid fee assessment. No other transfer from the
9 general current fund to the loan, endowment, or scholarship
10 fund, by whatever name known, is authorized.

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

21 (c) Up to 25 percent or \$300,000, whichever is
22 greater, of the financial aid fees collected may be used to
23 assist students who demonstrate academic merit; who
24 participate in athletics, public service, cultural arts, and
25 other extracurricular programs as determined by the
26 institution; or who are identified as members of a targeted
27 gender or ethnic minority population. The financial aid fee
28 revenues allocated for athletic scholarships and fee
29 exemptions provided pursuant to s. 1009.25(3) for athletes
30 shall be distributed equitably as required by s.
31 1000.05(3)(d). A minimum of 75 percent of the balance of these

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1 funds for new awards shall be used to provide financial aid
2 based on absolute need, and the remainder of the funds shall
3 be used for academic merit purposes and other purposes
4 approved by the boards of trustees. Such other purposes shall
5 include the payment of child care fees for students with
6 financial need. The State Board of Education shall develop
7 criteria for making financial aid awards. Each college shall
8 report annually to the Department of Education on the revenue
9 collected pursuant to this paragraph, the amount carried
10 forward, the criteria used to make awards, the amount and
11 number of awards for each criterion, and a delineation of the
12 distribution of such awards. The report shall include an
13 assessment by category of the financial need of every student
14 who receives an award, regardless of the purpose for which the
15 award is received. Awards which are based on financial need
16 shall be distributed in accordance with a nationally
17 recognized system of need analysis approved by the State Board
18 of Education. An award for academic merit shall require a
19 minimum overall grade point average of 3.0 on a 4.0 scale or
20 the equivalent for both initial receipt of the award and
21 renewal of the award.

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

24 (e) For the 2002-2003 fiscal year, each community
25 college district board of trustees shall establish a student
26 financial aid fee that will result in the collection of
27 student financial aid fee revenue at least equal to the amount
28 collected in fiscal year 2001-2002.

29 (9) Any community college that reports students who
30 have not paid fees in an approved manner in calculations of
31 full-time equivalent enrollments for state funding purposes

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1 shall be penalized at a rate equal to two times the value of
2 such enrollments. Such penalty shall be charged against the
3 following year's allocation from the Community College Program
4 Fund and shall revert to the General Revenue Fund.

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

18 (11) Each community college board of trustees may
19 establish a separate fee for capital improvements, technology
20 enhancements, or equipping student buildings. Funds collected
21 by community colleges through these fees may be bonded only
22 for the purpose of financing or refinancing new construction
23 and equipment, renovation, or remodeling of educational
24 facilities. The fee shall be collected as a component part of
25 the tuition and fees, paid into a separate account, and
26 expended only to construct and equip, maintain, improve, or
27 enhance the educational facilities of the community college.
28 Projects funded through the use of the capital improvement fee
29 shall meet the survey and construction requirements of chapter
30 1013. Pursuant to s. 216.0158, each community college shall
31 identify each project, including maintenance projects,

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

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

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

27 (13) The State Board of Education shall specify, as
28 necessary, by rule, approved methods of student fee payment.
29 Such methods shall include, but not be limited to, student fee
30 payment; payment through federal, state, or institutional
31 financial aid; and employer fee payments.

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

17 (15) Each community college may assess a service
18 charge for the payment of tuition and fees in installments.
19 Such service charge must be approved by the community college
20 board of trustees.

21 (16) The State Board of Education shall adopt a rule
22 specifying the definitions and procedures to be used in the
23 calculation of the percentage of cost paid by students. The
24 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.

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31