

By Senator Webster

9-1065-03

1                                   A bill to be entitled  
2           An act relating to education; amending s.  
3           1009.22, F.S., relating to workforce  
4           development student fees; revising guidelines  
5           applicable to fees for vocational-preparatory  
6           instruction; providing restrictions on tuition  
7           and out-of-state fees that district school  
8           boards and community college boards of trustees  
9           may establish; allowing school boards and  
10          community college boards to establish a  
11          discretionary, separate student activity and  
12          service fee; establishing a maximum amount for  
13          discretionary fees; providing for uses of  
14          revenues from discretionary fees; amending the  
15          maximum allowable amount of the fee for capital  
16          improvements, technology enhancements, or  
17          equipping buildings; amending the maximum  
18          amount that may be allocated from the capital  
19          improvement fee revenues for child care  
20          centers; deleting a restriction on the  
21          applicability of the technology fee;  
22          redesignating certain charges as user fees,  
23          rather than fines; amending s. 1009.23, F.S.;  
24          amending the maximum allowable amount of the  
25          community college fee for capital improvements,  
26          technology enhancements, or equipping student  
27          buildings; amending the maximum amount that may  
28          be allocated from the capital improvement fee  
29          for child care centers conducted by the  
30          community college; redesignating certain  
31

1 charges as user fees, rather than fines;  
2 providing an effective date.

3

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

5

6 Section 1. Paragraph (a) of subsection (3) and  
7 subsections (4), (5), (6), (7), and (9) of section 1009.22,  
8 Florida Statutes, are amended to read:

9 1009.22 Workforce development postsecondary student  
10 fees.--

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

28 (4)(a) Each district school board and community  
29 college board of trustees shall establish tuition and  
30 out-of-state fees, in an amount that may be no more than 10

31

1 percent below to 15 percent above the amount on the fee  
2 schedule adopted by the State Board of Education.

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

6 (5) Each district school board and community college  
7 board of trustees may establish the following discretionary  
8 fees in an amount not to exceed 15 percent of fees:

9 (a) A separate student activity and service fee. The  
10 student activity and service fee must be collected as a  
11 component part of the tuition and fees. Student activity and  
12 service fees must be paid into a restricted account and  
13 expended for campus-related activities for students, including  
14 student publications, clubs, and organizations. Such funds may  
15 not be expended for ongoing expenses in the operating budget  
16 for student services such as counseling and financial aid  
17 administration.

18 (b) A separate fee for financial aid purposes ~~in an~~  
19 ~~additional amount of up to 10 percent of the student fees~~  
20 ~~collected for workforce development programs funded through~~  
21 ~~the Workforce Development Education Fund. All fees collected~~  
22 shall be deposited into a separate workforce development  
23 student financial aid fee trust fund of the school district or  
24 community college to support students enrolled in workforce  
25 development programs. Any undisbursed balance remaining in the  
26 trust fund and interest income accruing to investments from  
27 the trust fund shall increase the total funds available for  
28 distribution to workforce development education students.  
29 Awards shall be based on student financial need and  
30 distributed in accordance with a nationally recognized system  
31 of need analysis approved by the State Board of Education.

1 Fees collected pursuant to this paragraph ~~subsection~~ shall be  
2 allocated in an expeditious manner.

3 (6) Each district school board and community college  
4 board of trustees may establish a separate fee for capital  
5 improvements, technology enhancements, or equipping buildings  
6 which may not exceed \$4.76 per credit hour or credit hour  
7 equivalent ~~5 percent of tuition for resident students or 5~~  
8 ~~percent of tuition and out-of-state fees for nonresident~~  
9 ~~students~~. Funds collected by community colleges through these  
10 fees may be bonded only for the purpose of financing or  
11 refinancing new construction and equipment, renovation, or  
12 remodeling of educational facilities. The fee shall be  
13 collected as a component part of the tuition and fees, paid  
14 into a separate account, and expended only to construct and  
15 equip, maintain, improve, or enhance the certificate career  
16 education or adult education facilities of the school district  
17 or community college. Projects funded through the use of the  
18 capital improvement fee must meet the survey and construction  
19 requirements of chapter 1013. Pursuant to s. 216.0158, each  
20 district school board and community college board of trustees  
21 shall 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 percent ~~cents per~~  
12 ~~credit hour~~ may be allocated from the capital improvement fee  
13 for child care centers conducted by the district school board  
14 or community college board of trustees.

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

29 (9) Community college boards of trustees and district  
30 school boards are not authorized to charge students enrolled  
31 in workforce development programs any fee that is not

1 specifically authorized by statute. In addition to tuition,  
2 out-of-state, financial aid, capital improvement, and  
3 technology fees, as authorized in this section, community  
4 college boards of trustees and district school boards are  
5 authorized to establish fee schedules for the following user  
6 fees and fines: laboratory fees; parking fees and fines;  
7 library fees and fines; fees and fines relating to facilities  
8 and equipment use or damage; access or identification card  
9 fees; duplicating, photocopying, binding, or microfilming  
10 fees; standardized testing fees; diploma replacement fees;  
11 transcript fees; application fees; graduation fees; and late  
12 fees related to registration and payment. Such user fees ~~and~~  
13 ~~fines~~ shall not exceed the cost of the services provided and  
14 shall only be charged to persons receiving the service.  
15 Parking fee revenues may be pledged by a community college  
16 board of trustees as a dedicated revenue source for the  
17 repayment of debt, including lease-purchase agreements and  
18 revenue bonds with terms not exceeding 20 years and not  
19 exceeding the useful life of the asset being financed.  
20 Community colleges shall use the services of the Division of  
21 Bond Finance of the State Board of Administration to issue any  
22 revenue bonds authorized by the provisions of this subsection.  
23 Any such bonds issued by the Division of Bond Finance shall be  
24 in compliance with the provisions of the State Bond Act. Bonds  
25 issued pursuant to the State Bond Act shall be validated in  
26 the manner established in chapter 75. The complaint for such  
27 validation shall be filed in the circuit court of the county  
28 where the seat of state government is situated, the notice  
29 required to be published by s. 75.06 shall be published only  
30 in the county where the complaint is filed, and the complaint  
31

1 and order of the circuit court shall be served only on the  
2 state attorney of the circuit in which the action is pending.

3 Section 2. Subsections (4), (11), and (12) of section  
4 1009.23, Florida Statutes, are amended to read:

5 1009.23 Community college student fees.--

6 (4) Each community college board of trustees shall  
7 establish tuition and out-of-state fees, which may vary no  
8 more than 10 percent below and 15 percent above the combined  
9 total of the fee schedule adopted by the State Board of  
10 Education and the technology fee adopted by a board of  
11 trustees, ~~provided that any amount from 10 to 15 percent above~~  
12 ~~the fee schedule is used only to support safety and security~~  
13 ~~purposes. In order to assess an additional amount for safety~~  
14 ~~and security purposes, a community college board of trustees~~  
15 ~~must provide written justification to the State Board of~~  
16 ~~Education based on criteria approved by the board of trustees,~~  
17 ~~including, but not limited to, criteria such as local crime~~  
18 ~~data and information, and strategies for the implementation of~~  
19 ~~local safety plans. Should a college decide to increase the~~  
20 ~~tuition fee, the funds raised by increasing the tuition fee~~  
21 ~~must be expended solely for additional safety and security~~  
22 ~~purposes and shall not supplant funding expended in the~~  
23 ~~1998-1999 budget for safety and security purposes.~~

24 (11) Each community college board of trustees may  
25 establish a separate fee for capital improvements, technology  
26 enhancements, or equipping student buildings which may not  
27 exceed \$4.76~~\$1~~ per credit hour ~~or credit-hour equivalent for~~  
28 ~~residents and which equals or exceeds \$3 per credit hour for~~  
29 ~~nonresidents. Funds collected by community colleges through~~  
30 ~~these fees may be bonded only for the purpose of financing or~~  
31 ~~refinancing new construction and equipment, renovation, or~~

1 remodeling of educational facilities. The fee shall be  
2 collected as a component part of the tuition and fees, paid  
3 into a separate account, and expended only to construct and  
4 equip, maintain, improve, or enhance the educational  
5 facilities of the community college. Projects funded through  
6 the use of the capital improvement fee shall meet the survey  
7 and construction requirements of chapter 1013. Pursuant to s.  
8 216.0158, each community college shall identify each project,  
9 including maintenance projects, proposed to be funded in whole  
10 or in part by such fee. Capital improvement fee revenues may  
11 be pledged by a board of trustees as a dedicated revenue  
12 source to the repayment of debt, including lease-purchase  
13 agreements and revenue bonds, with a term not to exceed 20  
14 years, and not to exceed the useful life of the asset being  
15 financed, only for the new construction and equipment,  
16 renovation, or remodeling of educational facilities. Community  
17 colleges may use the services of the Division of Bond Finance  
18 of the State Board of Administration to issue any bonds  
19 authorized through the provisions of this subsection. Any such  
20 bonds issued by the Division of Bond Finance shall be in  
21 compliance with the provisions of the State Bond Act. Bonds  
22 issued pursuant to the State Bond Act shall be validated in  
23 the manner provided by chapter 75. The complaint for such  
24 validation shall be filed in the circuit court of the county  
25 where the seat of state government is situated, the notice  
26 required to be published by s. 75.06 shall be published only  
27 in the county where the complaint is filed, and the complaint  
28 and order of the circuit court shall be served only on the  
29 state attorney of the circuit in which the action is pending.  
30 A maximum of 15 percent ~~cents per credit hour~~ may be allocated  
31



1 from the capital improvement fee for child care centers  
2 conducted by the community college.

3 (12) In addition to tuition, out-of-state, financial  
4 aid, capital improvement, student activity and service, and  
5 technology fees authorized in this section, each community  
6 college board of trustees is authorized to establish fee  
7 schedules for the following user fees and fines: laboratory  
8 fees; parking fees and fines; library fees and fines; fees and  
9 fines relating to facilities and equipment use or damage;  
10 access or identification card fees; duplicating, photocopying,  
11 binding, or microfilming fees; standardized testing fees;  
12 diploma replacement fees; transcript fees; application fees;  
13 graduation fees; and late fees related to registration and  
14 payment. Such user fees ~~and fines~~ shall not exceed the cost of  
15 the services provided and shall only be charged to persons  
16 receiving the service. A community college may not charge any  
17 fee except as authorized by law or rules of the State Board of  
18 Education. Parking fee revenues may be pledged by a community  
19 college board of trustees as a dedicated revenue source for  
20 the repayment of debt, including lease-purchase agreements and  
21 revenue bonds with terms not exceeding 20 years and not  
22 exceeding the useful life of the asset being financed.  
23 Community colleges shall use the services of the Division of  
24 Bond Finance of the State Board of Administration to issue any  
25 revenue bonds authorized by the provisions of this subsection.  
26 Any such bonds issued by the Division of Bond Finance shall be  
27 in compliance with the provisions of the State Bond Act. Bonds  
28 issued pursuant to the State Bond Act shall be validated in  
29 the manner established in chapter 75. The complaint for such  
30 validation shall be filed in the circuit court of the county  
31 where the seat of state government is situated, the notice

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

5 Section 3. This act shall take effect July 1, 2003.

6  
7 \*\*\*\*\*

8 SENATE SUMMARY

9 Amends provisions relating to the maximum amounts and the  
10 allocation of workforce development student fees and  
11 community college student fees.  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31