

By the Committee on Education; and Senator Webster

304-1932-03

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 percent below to 15 percent above the amount on the fee

1 schedule adopted by the State Board of Education, unless the
2 Legislature provides an alternative fee schedule in the
3 General Appropriations Act.

4 (b) 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 the following discretionary
9 fees in an amount the total of which may not exceed 15 percent
10 of tuition for resident students or 15 percent of tuition and
11 out-of-state fees for nonresident students. The student
12 activity and service fee shall be charged as a percentage of
13 the tuition fee, and the financial aid fee shall be charged as
14 a percentage of the tuition fee for resident students and of
15 the tuition and out-of-state fees for nonresident students.

16 (a) A separate student activity and service fee. The
17 student activity and service fee shall be collected as a
18 component part of the tuition and fees. The student activity
19 and service fees shall be paid into a student activity and
20 service fund at the community college and shall be expended
21 for lawful purposes to benefit the student body. These
22 purposes include, but are not limited to, student publications
23 and grants to recognized student organizations, the membership
24 of which is open to all students at the community college
25 without regard to race, gender, or religion.

26 (b) A separate fee for financial aid purposes ~~in an~~
27 ~~additional amount of up to 10 percent of the student fees~~
28 ~~collected for workforce development programs funded through~~
29 ~~the Workforce Development Education Fund. All fees collected~~
30 ~~shall be deposited into a separate workforce development~~
31 ~~student financial aid fee trust fund of the school district or~~

1 community college to support students enrolled in workforce
2 development programs. Any undisbursed balance remaining in the
3 trust fund and interest income accruing to investments from
4 the trust fund shall increase the total funds available for
5 distribution to workforce development education students.
6 Awards shall be based on student financial need and
7 distributed in accordance with a nationally recognized system
8 of need analysis approved by the State Board of Education.
9 Fees collected pursuant to this paragraph ~~subsection~~ shall be
10 allocated in an expeditious manner.

11 (6) Each district school board and community college
12 board of trustees may establish a separate fee for capital
13 improvements, technology enhancements, or equipping buildings
14 which may not exceed \$4.76 per credit hour or credit hour
15 equivalent ~~5 percent of tuition for resident students or 5~~
16 ~~percent of tuition and out-of-state fees for nonresident~~
17 ~~students~~. Funds collected by community colleges through these
18 fees may be bonded only for the purpose of financing or
19 refinancing new construction and equipment, renovation, or
20 remodeling of educational facilities. The fee shall be
21 collected as a component part of the tuition and fees, paid
22 into a separate account, and expended only to construct and
23 equip, maintain, improve, or enhance the certificate career
24 education or adult education facilities of the school district
25 or community college. Projects funded through the use of the
26 capital improvement fee must meet the survey and construction
27 requirements of chapter 1013. Pursuant to s. 216.0158, each
28 district school board and community college board of trustees
29 shall identify each project, including maintenance projects,
30 proposed to be funded in whole or in part by such fee. Capital
31 improvement fee revenues may be pledged by a board of trustees

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

23 (7) Each district school board and community college
24 board of trustees is authorized to establish a separate fee
25 for technology, not to exceed \$1.80 per credit hour or
26 credit-hour equivalent for resident students and not more than
27 \$5.40 per credit hour or credit-hour equivalent for
28 nonresident students, or the equivalent, to be expended in
29 accordance with technology improvement plans. ~~The technology~~
30 ~~fee may apply only to associate degree programs and courses.~~
31 Fifty percent of technology fee revenues may be pledged by a

1 community college board of trustees as a dedicated revenue
2 source for the repayment of debt, including lease-purchase
3 agreements, not to exceed the useful life of the asset being
4 financed. Revenues generated from the technology fee may not
5 be bonded.

6 (9) Community college boards of trustees and district
7 school boards are not authorized to charge students enrolled
8 in workforce development 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

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

12 1009.23 Community college student fees.--

13 (4) Each community college board of trustees shall
14 establish tuition and out-of-state fees, which may vary no
15 more than 10 percent below and 15 percent above the combined
16 total of the fee schedule adopted by the State Board of
17 Education and the technology fee adopted by a board of
18 trustees, ~~provided that any amount from 10 to 15 percent above~~
19 ~~the fee schedule is used only to support safety and security~~
20 ~~purposes. In order to assess an additional amount for safety~~
21 ~~and security purposes, a community college board of trustees~~
22 ~~must provide written justification to the State Board of~~
23 ~~Education based on criteria approved by the board of trustees,~~
24 ~~including, but not limited to, criteria such as local crime~~
25 ~~data and information, and strategies for the implementation of~~
26 ~~local safety plans. Should a college decide to increase the~~
27 ~~tuition fee, the funds raised by increasing the tuition fee~~
28 ~~must be expended solely for additional safety and security~~
29 ~~purposes and shall not supplant funding expended in the~~
30 ~~1998-1999 budget for safety and security purposes.~~

31

1 (11) Each community college board of trustees may
2 establish a separate fee for capital improvements, technology
3 enhancements, or equipping student buildings which may not
4 exceed \$4.76 per credit hour ~~or credit-hour equivalent for~~
5 ~~residents and which equals or exceeds \$3 per credit hour for~~
6 ~~nonresidents~~. Funds collected by community colleges through
7 these fees may be bonded only for the purpose of financing or
8 refinancing new construction and equipment, renovation, or
9 remodeling of educational facilities. The fee shall be
10 collected as a component part of the tuition and fees, paid
11 into a separate account, and expended only to construct and
12 equip, maintain, improve, or enhance the educational
13 facilities of the community college. Projects funded through
14 the use of the capital improvement fee shall meet the survey
15 and construction requirements of chapter 1013. Pursuant to s.
16 216.0158, each community college shall identify each project,
17 including maintenance projects, proposed to be funded in whole
18 or in part by such fee. Capital improvement fee revenues may
19 be pledged by a board of trustees as a dedicated revenue
20 source to the repayment of debt, including lease-purchase
21 agreements and revenue bonds, with a term not to exceed 20
22 years, and not to exceed the useful life of the asset being
23 financed, only for the new construction and equipment,
24 renovation, or remodeling of educational facilities. Community
25 colleges may use the services of the Division of Bond Finance
26 of the State Board of Administration to issue any bonds
27 authorized through the provisions of this subsection. Any such
28 bonds issued by the Division of Bond Finance shall be in
29 compliance with the provisions of the State Bond Act. Bonds
30 issued pursuant to the State Bond Act shall be validated in
31 the manner provided by chapter 75. The complaint for such

1 validation shall be filed in the circuit court of the county
2 where the seat of state government is situated, the notice
3 required to be published by s. 75.06 shall be published only
4 in the county where the complaint is filed, and the complaint
5 and order of the circuit court shall be served only on the
6 state attorney of the circuit in which the action is pending.
7 A maximum of 15 percent ~~cents per credit hour~~ may be allocated
8 from the capital improvement fee for child care centers
9 conducted by the community college.

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

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

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

13

14 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
15 COMMITTEE SUBSTITUTE FOR
16 Senate Bill 1368

17

18 Three changes are made in the committee substitute. These
19 changes are:

20 Language is added providing that if the Legislature sets a fee
21 schedule, then the fee schedule set by the Legislature shall
22 have precedence over the fee schedule set by the State Board
23 of Education.

24 Clarification of the total amount of the discretionary student
25 activity and service fee and of the financial aid fee is
26 provided. The basis for calculating each of the fees is
27 specified.

28 Language was substituted to make the description of the
29 activity and service fee for workforce students similar to the
30 community college activity and service fee language.

31

32

33

34

35

36

37