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A bill to be entitled  
 An act relating to postsecondary student fees; amending s. 1009.22, F.S.; revising provisions relating to workforce development postsecondary student fees; requiring establishment of tuition and out-of-state fees; authorizing establishment of certain discretionary fees; providing for expenditure of fees; revising the amount, allocation, and application of certain fees; amending s. 1009.23, F.S.; revising provisions relating to community college student fees; deleting provisions relating to use of fees to support safety and security purposes; revising the amount and allocation of certain fees; amending s. 1001.64, F.S.; correcting cross references; providing an effective date.

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

Section 1. Section 1009.22, Florida Statutes, is amended to read:

1009.22 Workforce development postsecondary student fees.—

(1) This section applies to students enrolled in workforce development programs who are reported for funding through the Workforce Development Education Fund, except that college credit fees for the community colleges are governed by s. 1009.23.

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

(3)(a) The Commissioner of Education shall provide to the State Board of Education no later than December 31 of each year a schedule of fees for workforce development education, excluding continuing workforce education, for school districts



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31 and community colleges. The fee schedule shall be based on the  
32 amount of student fees necessary to produce 25 percent of the  
33 prior year's average cost of a course of study leading to a  
34 certificate or diploma. Except as otherwise provided by law,  
35 fees for students who are not residents for tuition purposes  
36 must offset the full cost of instruction. Fee-nonexempt students  
37 enrolled in vocational-preparatory instruction shall be charged  
38 fees equal to the fees charged for certificate career education  
39 instruction or adult general education instruction. Each  
40 community college that conducts college-preparatory and  
41 vocational-preparatory instruction in the same class section may  
42 charge a single fee for both types of instruction.

43 (b) Fees for continuing workforce education shall be  
44 locally determined by the district school board or community  
45 college board. However, at least 50 percent of the expenditures  
46 for the continuing workforce education program provided by the  
47 community college or school district must be derived from fees.

48 (c) The State Board of Education shall adopt a fee  
49 schedule for school districts and community colleges that  
50 produces the fee revenues calculated pursuant to paragraph (a).  
51 The schedule so calculated shall take effect, unless otherwise  
52 specified in the General Appropriations Act.

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

56 (4) Each district school board and community college board  
57 of trustees shall establish tuition and out-of-state fees which  
58 may vary no more than 10 percent below and 15 percent above the  
59 fee schedule adopted by the State Board of Education.



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60        (5)~~(4)~~ A district school board or community college board  
61 that has a service area that borders another state may implement  
62 a plan for a differential out-of-state fee.

63        (6) Each district school board and community college board  
64 of trustees may establish the following discretionary fees. A  
65 maximum of 15 percent of fees may be collected for:

66        (a) A separate student activity and service fee. The  
67 student activity and service fee shall be collected as a  
68 component part of the tuition and fees. The student activity and  
69 service fees shall be paid into a restricted account and  
70 expended for campus-related activities for students, including  
71 student publications, clubs, and organizations. Such funds shall  
72 not be expended for ongoing expenses in the operating budget for  
73 student services, such as counseling and financial aid  
74 administration.

75        (b)~~(5)~~ ~~Each district school board and community college~~  
76 ~~board of trustees may establish~~ A separate fee for financial aid  
77 purposes in an additional amount of up to 10 percent of the  
78 ~~student fees collected for workforce development programs funded~~  
79 ~~through the Workforce Development Education Fund. All fees~~  
80 collected shall be deposited into a separate workforce  
81 development student financial aid fee trust fund of the school  
82 district or community college to support students enrolled in  
83 workforce development programs. Any undisbursed balance  
84 remaining in the trust fund and interest income accruing to  
85 investments from the trust fund shall increase the total funds  
86 available for distribution to workforce development education  
87 students. Awards shall be based on student financial need and  
88 distributed in accordance with a nationally recognized system of  
89 need analysis approved by the State Board of Education.



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90  
91 Fees collected pursuant to this subsection shall be allocated in  
92 an expeditious manner.

93 (7)~~(6)~~ Each district school board and community college  
94 board of trustees may establish a separate fee for capital  
95 improvements, technology enhancements, or equipping buildings  
96 which may not exceed \$4.76 per credit hour or credit hour  
97 equivalent ~~5 percent of tuition for resident students or 5~~  
98 ~~percent of tuition and out-of-state fees for nonresident~~  
99 ~~students~~. Funds collected by community colleges through these  
100 fees may be bonded only for the purpose of financing or  
101 refinancing new construction and equipment, renovation, or  
102 remodeling of educational facilities. The fee shall be collected  
103 as a component part of the tuition and fees, paid into a  
104 separate account, and expended only to construct and equip,  
105 maintain, improve, or enhance the certificate career education  
106 or adult education facilities of the school district or  
107 community college. Projects funded through the use of the  
108 capital improvement fee must meet the survey and construction  
109 requirements of chapter 1013. Pursuant to s. 216.0158, each  
110 district school board and community college board of trustees  
111 shall identify each project, including maintenance projects,  
112 proposed to be funded in whole or in part by such fee. Capital  
113 improvement fee revenues may be pledged by a board of trustees  
114 as a dedicated revenue source to the repayment of debt,  
115 including lease-purchase agreements and revenue bonds, with a  
116 term not to exceed 20 years, and not to exceed the useful life  
117 of the asset being financed, only for the new construction and  
118 equipment, renovation, or remodeling of educational facilities.  
119 Community colleges may use the services of the Division of Bond



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120 Finance of the State Board of Administration to issue any bonds  
121 authorized through the provisions of this subsection. Any such  
122 bonds issued by the Division of Bond Finance shall be in  
123 compliance with the provisions of the State Bond Act. Bonds  
124 issued pursuant to the State Bond Act shall be validated in the  
125 manner provided by chapter 75. The complaint for such validation  
126 shall be filed in the circuit court of the county where the seat  
127 of state government is situated, the notice required to be  
128 published by s. 75.06 shall be published only in the county  
129 where the complaint is filed, and the complaint and order of the  
130 circuit court shall be served only on the state attorney of the  
131 circuit in which the action is pending. A maximum of 15 percent  
132 ~~cents per credit hour~~ may be allocated from the capital  
133 improvement fee for child care centers conducted by the district  
134 school board or community college board of trustees.

135 (8)~~(7)~~ Each district school board and community college  
136 board of trustees is authorized to establish a separate fee for  
137 technology, not to exceed \$1.80 per credit hour or credit-hour  
138 equivalent for resident students and not more than \$5.40 per  
139 credit hour or credit-hour equivalent for nonresident students,  
140 or the equivalent, to be expended in accordance with technology  
141 improvement plans. ~~The technology fee may apply only to~~  
142 ~~associate degree programs and courses.~~ Fifty percent of  
143 technology fee revenues may be pledged by a community college  
144 board of trustees as a dedicated revenue source for the  
145 repayment of debt, including lease-purchase agreements, not to  
146 exceed the useful life of the asset being financed. Revenues  
147 generated from the technology fee may not be bonded.

148 (9)~~(8)~~ Each district school board and community college  
149 board of trustees is authorized to establish specific fees for



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150 workforce development instruction not reported for state funding  
 151 purposes or for workforce development instruction not reported  
 152 as state funded full-time equivalent students. District school  
 153 boards and community college boards of trustees are not required  
 154 to charge any other fee specified in this section for this type  
 155 of instruction.

156 (10)~~(9)~~ Community college boards of trustees and district  
 157 school boards are not authorized to charge students enrolled in  
 158 workforce development programs any fee that is not specifically  
 159 authorized by statute. In addition to tuition, out-of-state,  
 160 financial aid, capital improvement, and technology fees, as  
 161 authorized in this section, community college boards of trustees  
 162 and district school boards are authorized to establish fee  
 163 schedules for the following user fees and fines: laboratory  
 164 fees; parking fees and fines; library fees and fines; fees and  
 165 fines relating to facilities and equipment use or damage; access  
 166 or identification card fees; duplicating, photocopying, binding,  
 167 or microfilming fees; standardized testing fees; diploma  
 168 replacement fees; transcript fees; application fees; graduation  
 169 fees; and late fees related to registration and payment. Such  
 170 user fees ~~and fines~~ shall not exceed the cost of the services  
 171 provided and shall only be charged to persons receiving the  
 172 service. Parking fee revenues may be pledged by a community  
 173 college board of trustees as a dedicated revenue source for the  
 174 repayment of debt, including lease-purchase agreements and  
 175 revenue bonds with terms not exceeding 20 years and not  
 176 exceeding the useful life of the asset being financed. Community  
 177 colleges shall use the services of the Division of Bond Finance  
 178 of the State Board of Administration to issue any revenue bonds  
 179 authorized by the provisions of this subsection. Any such bonds



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180 issued by the Division of Bond Finance shall be in compliance  
 181 with the provisions of the State Bond Act. Bonds issued pursuant  
 182 to the State Bond Act shall be validated in the manner  
 183 established in chapter 75. The complaint for such validation  
 184 shall be filed in the circuit court of the county where the seat  
 185 of state government is situated, the notice required to be  
 186 published by s. 75.06 shall be published only in the county  
 187 where the complaint is filed, and the complaint and order of the  
 188 circuit court shall be served only on the state attorney of the  
 189 circuit in which the action is pending.

190 (11)~~(10)~~ Each year the State Board of Education shall  
 191 review and evaluate the percentage of the cost of adult programs  
 192 and certificate career education programs supported through  
 193 student fees. For students who are residents for tuition  
 194 purposes, the schedule adopted pursuant to subsection (3) must  
 195 produce revenues equal to 25 percent of the prior year's average  
 196 program cost for college-preparatory and certificate-level  
 197 workforce development programs. Fees for continuing workforce  
 198 education shall be locally determined by the district school  
 199 board or community college board. However, at least 50 percent  
 200 of the expenditures for the continuing workforce education  
 201 program provided by the community college or school district  
 202 must be derived from fees. Except as otherwise provided by law,  
 203 fees for students who are not residents for tuition purposes  
 204 must offset the full cost of instruction.

205 (12)~~(11)~~ Each school district and community college may  
 206 assess a service charge for the payment of tuition and fees in  
 207 installments. Such service charge must be approved by the  
 208 district school board or community college board of trustees.



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209        (13)~~(12)~~ Any school district or community college that  
210 reports students who have not paid fees in an approved manner in  
211 calculations of full-time equivalent enrollments for state  
212 funding purposes shall be penalized at a rate equal to 2 times  
213 the value of such enrollments. Such penalty shall be charged  
214 against the following year's allocation from the Florida  
215 Workforce Development Education Fund or the Community College  
216 Program Fund and shall revert to the General Revenue Fund. The  
217 State Board of Education shall specify, in rule, approved  
218 methods of student fee payment. Such methods must include, but  
219 need not be limited to, student fee payment; payment through  
220 federal, state, or institutional financial aid; and employer fee  
221 payments.

222        (14)~~(13)~~ Each school district and community college shall  
223 report only those students who have actually enrolled in  
224 instruction provided or supervised by instructional personnel  
225 under contract with the district or community college in  
226 calculations of actual full-time enrollments for state funding  
227 purposes. A student who has been exempted from taking a course  
228 or who has been granted academic or technical credit through  
229 means other than actual coursework completed at the granting  
230 institution may not be calculated for enrollment in the course  
231 from which the student has been exempted or for which the  
232 student has been granted credit. School districts and community  
233 colleges that report enrollments in violation of this subsection  
234 shall be penalized at a rate equal to 2 times the value of such  
235 enrollments. Such penalty shall be charged against the following  
236 year's allocation from the Workforce Development Education Fund  
237 and shall revert to the General Revenue Fund.





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238 Section 2. Subsections (4), (11), and (12) of section  
 239 1009.23, Florida Statutes, are amended to read:

240 1009.23 Community college student fees.—

241 (4) Each community college board of trustees shall  
 242 establish tuition and out-of-state fees, which may vary no more  
 243 than 10 percent below and 15 percent above the combined total of  
 244 the fee schedule adopted by the State Board of Education and the  
 245 technology fee adopted by a board of trustees, ~~provided that any~~  
 246 ~~amount from 10 to 15 percent above the fee schedule is used only~~  
 247 ~~to support safety and security purposes. In order to assess an~~  
 248 ~~additional amount for safety and security purposes, a community~~  
 249 ~~college board of trustees must provide written justification to~~  
 250 ~~the State Board of Education based on criteria approved by the~~  
 251 ~~board of trustees, including, but not limited to, criteria such~~  
 252 ~~as local crime data and information, and strategies for the~~  
 253 ~~implementation of local safety plans. Should a college decide to~~  
 254 ~~increase the tuition fee, the funds raised by increasing the~~  
 255 ~~tuition fee must be expended solely for additional safety and~~  
 256 ~~security purposes and shall not supplant funding expended in the~~  
 257 ~~1998-1999 budget for safety and security purposes.~~

258 (11) Each community college board of trustees may  
 259 establish a separate fee for capital improvements, technology  
 260 enhancements, or equipping student buildings which may not  
 261 exceed \$4.76 ~~\$1~~ per credit hour ~~or credit-hour equivalent for~~  
 262 ~~residents and which equals or exceeds \$3 per credit hour for~~  
 263 ~~nonresidents~~. Funds collected by community colleges through  
 264 these fees may be bonded only for the purpose of financing or  
 265 refinancing new construction and equipment, renovation, or  
 266 remodeling of educational facilities. The fee shall be collected  
 267 as a component part of the tuition and fees, paid into a



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268 separate account, and expended only to construct and equip,  
269 maintain, improve, or enhance the educational facilities of the  
270 community college. Projects funded through the use of the  
271 capital improvement fee shall meet the survey and construction  
272 requirements of chapter 1013. Pursuant to s. 216.0158, each  
273 community college shall identify each project, including  
274 maintenance projects, proposed to be funded in whole or in part  
275 by such fee. Capital improvement fee revenues may be pledged by  
276 a board of trustees as a dedicated revenue source to the  
277 repayment of debt, including lease-purchase agreements and  
278 revenue bonds, with a term not to exceed 20 years, and not to  
279 exceed the useful life of the asset being financed, only for the  
280 new construction and equipment, renovation, or remodeling of  
281 educational facilities. Community colleges may use the services  
282 of the Division of Bond Finance of the State Board of  
283 Administration to issue any bonds authorized through the  
284 provisions of this subsection. Any such bonds issued by the  
285 Division of Bond Finance shall be in compliance with the  
286 provisions of the State Bond Act. Bonds issued pursuant to the  
287 State Bond Act shall be validated in the manner provided by  
288 chapter 75. The complaint for such validation shall be filed in  
289 the circuit court of the county where the seat of state  
290 government is situated, the notice required to be published by  
291 s. 75.06 shall be published only in the county where the  
292 complaint is filed, and the complaint and order of the circuit  
293 court shall be served only on the state attorney of the circuit  
294 in which the action is pending. A maximum of 15 percent ~~cents~~  
295 ~~per credit hour~~ may be allocated from the capital improvement  
296 fee for child care centers conducted by the community college.



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297 (12) In addition to tuition, out-of-state, financial aid,  
298 capital improvement, student activity and service, and  
299 technology fees authorized in this section, each community  
300 college board of trustees is authorized to establish fee  
301 schedules for the following user fees and fines: laboratory  
302 fees; parking fees and fines; library fees and fines; fees and  
303 fines relating to facilities and equipment use or damage; access  
304 or identification card fees; duplicating, photocopying, binding,  
305 or microfilming fees; standardized testing fees; diploma  
306 replacement fees; transcript fees; application fees; graduation  
307 fees; and late fees related to registration and payment. Such  
308 user fees ~~and fines~~ shall not exceed the cost of the services  
309 provided and shall only be charged to persons receiving the  
310 service. A community college may not charge any fee except as  
311 authorized by law or rules of the State Board of Education.  
312 Parking fee revenues may be pledged by a community college board  
313 of trustees as a dedicated revenue source for the repayment of  
314 debt, including lease-purchase agreements and revenue bonds with  
315 terms not exceeding 20 years and not exceeding the useful life  
316 of the asset being financed. Community colleges shall use the  
317 services of the Division of Bond Finance of the State Board of  
318 Administration to issue any revenue bonds authorized by the  
319 provisions of this subsection. Any such bonds issued by the  
320 Division of Bond Finance shall be in compliance with the  
321 provisions of the State Bond Act. Bonds issued pursuant to the  
322 State Bond Act shall be validated in the manner established in  
323 chapter 75. The complaint for such validation shall be filed in  
324 the circuit court of the county where the seat of state  
325 government is situated, the notice required to be published by  
326 s. 75.06 shall be published only in the county where the



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327 complaint is filed, and the complaint and order of the circuit  
 328 court shall be served only on the state attorney of the circuit  
 329 in which the action is pending.

330 Section 3. Subsection (38) of section 1001.64, Florida  
 331 Statutes, is amended to read:

332 1001.64 Community college boards of trustees; powers and  
 333 duties.--

334 (38) Each board of trustees is authorized to borrow funds  
 335 and incur debt, including entering into lease-purchase  
 336 agreements and the issuance of revenue bonds as specifically  
 337 authorized and only for the purposes authorized in ss.  
 338 1009.22(7)(~~6~~) and (10)(~~9~~) and 1009.23(11) and (12). At the  
 339 option of the board of trustees, bonds may be issued which are  
 340 secured by a combination of revenues authorized to be pledged to  
 341 bonds pursuant to ss. 1009.22(7)(~~6~~) and 1009.23(11) or ss.  
 342 1009.22(10)(~~9~~) and 1009.23(12). Lease-purchase agreements may be  
 343 secured by a combination of revenues as specifically authorized  
 344 pursuant to ss. 1009.22(8)(~~7~~) and 1009.23(10).

345 Section 4. This act shall take effect upon becoming a law.