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CHAMBER ACTION

The Committee on Education K-20 recommends the following:

Committee Substitute

Remove the entire bill and insert:

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:



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29 | 1009.22 Workforce development postsecondary student
30 | fees.--

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

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

37 | (3)(a) The Commissioner of Education shall provide to the
38 | State Board of Education no later than December 31 of each year
39 | a schedule of fees for workforce development education,
40 | excluding continuing workforce education, for school districts
41 | and community colleges. The fee schedule shall be based on the
42 | amount of student fees necessary to produce 25 percent of the
43 | prior year's average cost of a course of study leading to a
44 | certificate or diploma. Except as otherwise provided by law,
45 | fees for students who are not residents for tuition purposes
46 | must offset the full cost of instruction. Fee-nonexempt students
47 | enrolled in vocational-preparatory instruction shall be charged
48 | fees equal to the fees charged for certificate career education
49 | instruction or adult general education instruction. Each
50 | community college that conducts college-preparatory and
51 | vocational-preparatory instruction in the same class section may
52 | charge a single fee for both types of instruction.

53 | (b) Fees for continuing workforce education shall be
54 | locally determined by the district school board or community
55 | college board. However, at least 50 percent of the expenditures



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56 for the continuing workforce education program provided by the
57 community college or school district must be derived from fees.

58 (c) The State Board of Education shall adopt a fee
59 schedule for school districts and community colleges that
60 produces the fee revenues calculated pursuant to paragraph (a).
61 The schedule so calculated shall take effect, unless otherwise
62 specified in the General Appropriations Act.

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

66 (4) Each district school board and community college board
67 of trustees shall establish tuition and out-of-state fees which
68 may vary no more than 10 percent below and 15 percent above the
69 fee schedule adopted by the State Board of Education unless the
70 Legislature provides an alternative fee schedule in the General
71 Appropriations Act.

72 ~~(5)(4)~~ A district school board or community college board
73 that has a service area that borders another state may implement
74 a plan for a differential out-of-state fee.

75 (6) Each district school board and community college board
76 of trustees may establish the following discretionary fees in an
77 amount the total of which may not exceed 15 percent of tuition
78 for resident students or 15 percent of tuition and out-of-state
79 fees for nonresident students. The student activity and service
80 fee shall be charged as a percentage of the tuition fee, and the
81 financial aid fee shall be charged as a percentage of the
82 tuition fee for resident students and of the tuition and out-of-
83 state fees for nonresident students.



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84 (a) A separate student activity and service fee. The
85 student activity and service fee shall be collected as a
86 component part of the tuition and fees. The student activity and
87 service fees shall be paid into a student activity and service
88 fund of the school district or the community college and shall
89 be expended for lawful purposes to benefit the student body.
90 These purposes include, but are not limited to, student
91 publications and grants to recognized student organizations, the
92 membership of which are open to all students at the community
93 college or to all students within the school district who
94 participate in postsecondary workforce education programs
95 without regard to race, gender, or religion.

96 ~~(b)(5) Each district school board and community college~~
97 ~~board of trustees may establish~~ A separate fee for financial aid
98 purposes in an additional amount of up to 10 percent of the
99 ~~student fees collected for workforce development programs funded~~
100 ~~through the Workforce Development Education Fund.~~ All fees
101 collected shall be deposited into a separate workforce
102 development student financial aid fee trust fund of the school
103 district or community college to support students enrolled in
104 workforce development programs. Any undisbursed balance
105 remaining in the trust fund and interest income accruing to
106 investments from the trust fund shall increase the total funds
107 available for distribution to workforce development education
108 students. Awards shall be based on student financial need and
109 distributed in accordance with a nationally recognized system of
110 need analysis approved by the State Board of Education.

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112 Fees collected pursuant to this subsection shall be allocated in
113 an expeditious manner.

114 (7)~~(6)~~ Each district school board and community college
115 board of trustees may establish a separate fee for capital
116 improvements, technology enhancements, or equipping buildings
117 which may not exceed \$4.76 per credit hour or credit hour
118 equivalent with the provision that this fee is at the discretion
119 of each local board of trustees or district school board and is
120 not increased more than \$1 per credit hour or credit hour
121 equivalent in any 1 year until the limit of \$4.76 is reached ~~5~~
122 ~~percent of tuition for resident students or 5 percent of tuition~~
123 ~~and out-of-state fees for nonresident students.~~ Funds collected
124 by community colleges through these fees may be bonded only for
125 the purpose of financing or refinancing new construction and
126 equipment, renovation, or remodeling of educational facilities.
127 The fee shall be collected as a component part of the tuition
128 and fees, paid into a separate account, and expended only to
129 construct and equip, maintain, improve, or enhance the
130 certificate career education or adult education facilities of
131 the school district or community college. Projects funded
132 through the use of the capital improvement fee must meet the
133 survey and construction requirements of chapter 1013. Pursuant
134 to s. 216.0158, each district school board and community college
135 board of trustees shall identify each project, including
136 maintenance projects, proposed to be funded in whole or in part
137 by such fee. Capital improvement fee revenues may be pledged by
138 a board of trustees as a dedicated revenue source to the
139 repayment of debt, including lease-purchase agreements and



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140 revenue bonds, with a term not to exceed 20 years, and not to
 141 exceed the useful life of the asset being financed, only for the
 142 new construction and equipment, renovation, or remodeling of
 143 educational facilities. Community colleges may use the services
 144 of the Division of Bond Finance of the State Board of
 145 Administration to issue any bonds authorized through the
 146 provisions of this subsection. Any such bonds issued by the
 147 Division of Bond Finance shall be in compliance with the
 148 provisions of the State Bond Act. Bonds issued pursuant to the
 149 State Bond Act shall be validated in the manner provided by
 150 chapter 75. The complaint for such validation shall be filed in
 151 the circuit court of the county where the seat of state
 152 government is situated, the notice required to be published by
 153 s. 75.06 shall be published only in the county where the
 154 complaint is filed, and the complaint and order of the circuit
 155 court shall be served only on the state attorney of the circuit
 156 in which the action is pending. A maximum of 15 percent ~~cents~~
 157 ~~per credit hour~~ may be allocated from the capital improvement
 158 fee for child care centers conducted by the district school
 159 board or community college board of trustees.

160 (8)~~(7)~~ Each district school board and community college
 161 board of trustees is authorized to establish a separate fee for
 162 technology, not to exceed \$1.80 per credit hour or credit-hour
 163 equivalent for resident students and not more than \$5.40 per
 164 credit hour or credit-hour equivalent for nonresident students,
 165 or the equivalent, to be expended in accordance with technology
 166 improvement plans. ~~The technology fee may apply only to~~
 167 ~~associate degree programs and courses.~~ Fifty percent of



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168 | technology fee revenues may be pledged by a community college
169 | board of trustees as a dedicated revenue source for the
170 | repayment of debt, including lease-purchase agreements, not to
171 | exceed the useful life of the asset being financed. Revenues
172 | generated from the technology fee may not be bonded.

173 | (9)~~(8)~~ Each district school board and community college
174 | board of trustees is authorized to establish specific fees for
175 | workforce development instruction not reported for state funding
176 | purposes or for workforce development instruction not reported
177 | as state funded full-time equivalent students. District school
178 | boards and community college boards of trustees are not required
179 | to charge any other fee specified in this section for this type
180 | of instruction.

181 | (10)~~(9)~~ Community college boards of trustees and district
182 | school boards are not authorized to charge students enrolled in
183 | workforce development programs any fee that is not specifically
184 | authorized by statute. In addition to tuition, out-of-state,
185 | financial aid, capital improvement, and technology fees, as
186 | authorized in this section, community college boards of trustees
187 | and district school boards are authorized to establish fee
188 | schedules for the following user fees and fines: laboratory
189 | fees; parking fees and fines; library fees and fines; fees and
190 | fines relating to facilities and equipment use or damage; access
191 | or identification card fees; duplicating, photocopying, binding,
192 | or microfilming fees; standardized testing fees; diploma
193 | replacement fees; transcript fees; application fees; graduation
194 | fees; and late fees related to registration and payment. Such
195 | user fees ~~and fines~~ shall not exceed the cost of the services



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196 provided and shall only be charged to persons receiving the
197 service. Parking fee revenues may be pledged by a community
198 college board of trustees as a dedicated revenue source for the
199 repayment of debt, including lease-purchase agreements and
200 revenue bonds with terms not exceeding 20 years and not
201 exceeding the useful life of the asset being financed. Community
202 colleges shall use the services of the Division of Bond Finance
203 of the State Board of Administration to issue any revenue bonds
204 authorized by the provisions of this subsection. Any such bonds
205 issued by the Division of Bond Finance shall be in compliance
206 with the provisions of the State Bond Act. Bonds issued pursuant
207 to the State Bond Act shall be validated in the manner
208 established in chapter 75. The complaint for such validation
209 shall be filed in the circuit court of the county where the seat
210 of state government is situated, the notice required to be
211 published by s. 75.06 shall be published only in the county
212 where the complaint is filed, and the complaint and order of the
213 circuit court shall be served only on the state attorney of the
214 circuit in which the action is pending.

215 (11)~~(10)~~ Each year the State Board of Education shall
216 review and evaluate the percentage of the cost of adult programs
217 and certificate career education programs supported through
218 student fees. For students who are residents for tuition
219 purposes, the schedule adopted pursuant to subsection (3) must
220 produce revenues equal to 25 percent of the prior year's average
221 program cost for college-preparatory and certificate-level
222 workforce development programs. Fees for continuing workforce
223 education shall be locally determined by the district school



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224 board or community college board. However, at least 50 percent
225 of the expenditures for the continuing workforce education
226 program provided by the community college or school district
227 must be derived from fees. Except as otherwise provided by law,
228 fees for students who are not residents for tuition purposes
229 must offset the full cost of instruction.

230 (12)~~(11)~~ Each school district and community college may
231 assess a service charge for the payment of tuition and fees in
232 installments. Such service charge must be approved by the
233 district school board or community college board of trustees.

234 (13)~~(12)~~ Any school district or community college that
235 reports students who have not paid fees in an approved manner in
236 calculations of full-time equivalent enrollments for state
237 funding purposes shall be penalized at a rate equal to 2 times
238 the value of such enrollments. Such penalty shall be charged
239 against the following year's allocation from the Florida
240 Workforce Development Education Fund or the Community College
241 Program Fund and shall revert to the General Revenue Fund. The
242 State Board of Education shall specify, in rule, approved
243 methods of student fee payment. Such methods must include, but
244 need not be limited to, student fee payment; payment through
245 federal, state, or institutional financial aid; and employer fee
246 payments.

247 (14)~~(13)~~ Each school district and community college shall
248 report only those students who have actually enrolled in
249 instruction provided or supervised by instructional personnel
250 under contract with the district or community college in
251 calculations of actual full-time enrollments for state funding



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252 | purposes. A student who has been exempted from taking a course
253 | or who has been granted academic or technical credit through
254 | means other than actual coursework completed at the granting
255 | institution may not be calculated for enrollment in the course
256 | from which the student has been exempted or for which the
257 | student has been granted credit. School districts and community
258 | colleges that report enrollments in violation of this subsection
259 | shall be penalized at a rate equal to 2 times the value of such
260 | enrollments. Such penalty shall be charged against the following
261 | year's allocation from the Workforce Development Education Fund
262 | and shall revert to the General Revenue Fund.

263 | Section 2. Subsections (4), (11), and (12) of section
264 | 1009.23, Florida Statutes, are amended to read:

265 | 1009.23 Community college student fees.--

266 | (4) Each community college board of trustees shall
267 | establish tuition and out-of-state fees, which may vary no more
268 | than 10 percent below and 15 percent above the combined total of
269 | the fee schedule adopted by the State Board of Education and the
270 | technology fee adopted by a board of trustees, ~~provided that any~~
271 | ~~amount from 10 to 15 percent above the fee schedule is used only~~
272 | ~~to support safety and security purposes. In order to assess an~~
273 | ~~additional amount for safety and security purposes, a community~~
274 | ~~college board of trustees must provide written justification to~~
275 | ~~the State Board of Education based on criteria approved by the~~
276 | ~~board of trustees, including, but not limited to, criteria such~~
277 | ~~as local crime data and information, and strategies for the~~
278 | ~~implementation of local safety plans. Should a college decide to~~
279 | ~~increase the tuition fee, the funds raised by increasing the~~



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280 ~~tuition fee must be expended solely for additional safety and~~
281 ~~security purposes and shall not supplant funding expended in the~~
282 ~~1998-1999 budget for safety and security purposes.~~

283 (11) Each community college board of trustees may
284 establish a separate fee for capital improvements, technology
285 enhancements, or equipping student buildings which may not
286 exceed \$4.76 ~~\$1~~ per credit hour with the provision that this fee
287 is at the discretion of each local board of trustees and is not
288 increased more than \$1 per credit hour in any 1 year until the
289 limit of \$4.76 is reached ~~or credit-hour equivalent for~~
290 ~~residents and which equals or exceeds \$3 per credit hour for~~
291 ~~nonresidents~~. Funds collected by community colleges through
292 these fees may be bonded only for the purpose of financing or
293 refinancing new construction and equipment, renovation, or
294 remodeling of educational facilities. The fee shall be collected
295 as a component part of the tuition and fees, paid into a
296 separate account, and expended only to construct and equip,
297 maintain, improve, or enhance the educational facilities of the
298 community college. Projects funded through the use of the
299 capital improvement fee shall meet the survey and construction
300 requirements of chapter 1013. Pursuant to s. 216.0158, each
301 community college shall identify each project, including
302 maintenance projects, proposed to be funded in whole or in part
303 by such fee. Capital improvement fee revenues may be pledged by
304 a board of trustees as a dedicated revenue source to the
305 repayment of debt, including lease-purchase agreements and
306 revenue bonds, with a term not to exceed 20 years, and not to
307 exceed the useful life of the asset being financed, only for the



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308 new construction and equipment, renovation, or remodeling of
309 educational facilities. Community colleges may use the services
310 of the Division of Bond Finance of the State Board of
311 Administration to issue any bonds authorized through the
312 provisions of this subsection. Any such bonds issued by the
313 Division of Bond Finance shall be in compliance with the
314 provisions of the State Bond Act. Bonds issued pursuant to the
315 State Bond Act shall be validated in the manner provided by
316 chapter 75. The complaint for such validation shall be filed in
317 the circuit court of the county where the seat of state
318 government is situated, the notice required to be published by
319 s. 75.06 shall be published only in the county where the
320 complaint is filed, and the complaint and order of the circuit
321 court shall be served only on the state attorney of the circuit
322 in which the action is pending. A maximum of 15 percent ~~cents~~
323 ~~per credit hour~~ may be allocated from the capital improvement
324 fee for child care centers conducted by the community college.

325 (12) In addition to tuition, out-of-state, financial aid,
326 capital improvement, student activity and service, and
327 technology fees authorized in this section, each community
328 college board of trustees is authorized to establish fee
329 schedules for the following user fees and fines: laboratory
330 fees; parking fees and fines; library fees and fines; fees and
331 fines relating to facilities and equipment use or damage; access
332 or identification card fees; duplicating, photocopying, binding,
333 or microfilming fees; standardized testing fees; diploma
334 replacement fees; transcript fees; application fees; graduation
335 fees; and late fees related to registration and payment. Such



336 user fees ~~and fines~~ shall not exceed the cost of the services
 337 provided and shall only be charged to persons receiving the
 338 service. A community college may not charge any fee except as
 339 authorized by law or rules of the State Board of Education.
 340 Parking fee revenues may be pledged by a community college board
 341 of trustees as a dedicated revenue source for the repayment of
 342 debt, including lease-purchase agreements and revenue bonds with
 343 terms not exceeding 20 years and not exceeding the useful life
 344 of the asset being financed. Community colleges shall use the
 345 services of the Division of Bond Finance of the State Board of
 346 Administration to issue any revenue bonds authorized by the
 347 provisions of this subsection. Any such bonds issued by the
 348 Division of Bond Finance shall be in compliance with the
 349 provisions of the State Bond Act. Bonds issued pursuant to the
 350 State Bond Act shall be validated in the manner established in
 351 chapter 75. The complaint for such validation shall be filed in
 352 the circuit court of the county where the seat of state
 353 government is situated, the notice required to be published by
 354 s. 75.06 shall be published only in the county where the
 355 complaint is filed, and the complaint and order of the circuit
 356 court shall be served only on the state attorney of the circuit
 357 in which the action is pending.

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

360 1001.64 Community college boards of trustees; powers and
 361 duties.--

362 (38) Each board of trustees is authorized to borrow funds
 363 and incur debt, including entering into lease-purchase



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364 | agreements and the issuance of revenue bonds as specifically
365 | authorized and only for the purposes authorized in ss.
366 | 1009.22(7)~~(6)~~ and (10)~~(9)~~ and 1009.23(11) and (12). At the
367 | option of the board of trustees, bonds may be issued which are
368 | secured by a combination of revenues authorized to be pledged to
369 | bonds pursuant to ss. 1009.22(7)~~(6)~~ and 1009.23(11) or ss.
370 | 1009.22(10)~~(9)~~ and 1009.23(12). Lease-purchase agreements may be
371 | secured by a combination of revenues as specifically authorized
372 | pursuant to ss. 1009.22(8)~~(7)~~ and 1009.23(10).

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