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2 An act relating to community colleges; amending
3 s. 1009.23, F.S.; revising provisions relating
4 to the fee for capital improvements, technology
5 enhancements, or equipping student buildings
6 and the use thereof; providing requirements for
7 the issuance and validation of bonds; revising
8 provisions relating to the allocation for child
9 care centers; providing an effective date.

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

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13 Section 1. Subsection (11) of section 1009.23, Florida
14 Statutes, is amended to read:

15 1009.23 Community college student fees.--

16 (11)(a) Each community college board of trustees may
17 establish a separate fee for capital improvements, technology
18 enhancements, or equipping student buildings which may not
19 exceed 10 percent of tuition for resident students or 10
20 percent of the sum of tuition and out-of-state fees for
21 nonresident students. The fee for resident students shall be
22 limited to an increase of \$2 per credit hour over the prior
23 year~~\$1 per credit hour or credit hour equivalent for~~
24 ~~residents and which equals or exceeds \$3 per credit hour for~~
25 ~~nonresidents~~. Funds collected by community colleges through
26 these fees may be bonded only as provided in this subsection
27 for the purpose of financing or refinancing new construction
28 and equipment, renovation, or remodeling of educational
29 facilities. The fee shall be collected as a component part of
30 the tuition and fees, paid into a separate account, and
31 expended only to construct and equip, maintain, improve, or

1 enhance the educational facilities of the community college.
2 Projects funded through the use of the capital improvement fee
3 shall meet the survey and construction requirements of chapter
4 1013. Pursuant to s. 216.0158, each community college shall
5 identify each project, including maintenance projects,
6 proposed to be funded in whole or in part by such fee.

7 **(b)** Capital improvement fee revenues may be pledged by
8 a board of trustees as a dedicated revenue source to the
9 repayment of debt, including lease-purchase agreements with an
10 overall term, including renewals, extensions, and refundings,
11 of not more than 7 years and revenue bonds~~7~~, with a term not to
12 exceed 20 annual maturities ~~years~~~~7~~, and not to exceed the
13 useful life of the asset being financed, only for financing or
14 refinancing of the new construction and equipment, renovation,
15 or remodeling of educational facilities. ~~Community colleges~~
16 ~~may use the services of the Division of Bond Finance of the~~
17 ~~State Board of Administration to issue any~~ Bonds authorized
18 through the provisions of this subsection shall be. ~~Any such~~
19 ~~bonds~~ issued by the Division of Bond Finance upon the request
20 of the community college board of trustees shall be in
21 compliance with the provisions of s. 11(d), Art. VII of the
22 State Constitution and the State Bond Act. The Division of
23 Bond Finance may pledge fees collected by one or more
24 community colleges to secure such bonds. Any project included
25 in the approved educational plant survey pursuant to chapter
26 1013 is approved pursuant to s. 11(d), Art. VII of the State
27 Constitution.

28 **(c)** The state does hereby covenant with the holders of
29 the bonds issued under this subsection that it will not take
30 any action that will materially and adversely affect the
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1 rights of such holders so long as the bonds authorized by this
2 subsection are outstanding.

3 ~~(d) Any validation of the bonds issued pursuant to the~~
4 ~~State Bond Act shall be validated~~ in the manner provided by
5 chapter 75. Only the initial series of bonds is required to be
6 validated. The complaint for such validation shall be filed in
7 the circuit court of the county where the seat of state
8 government is situated, the notice required to be published by
9 s. 75.06 shall be published only in the county where the
10 complaint is filed, and the complaint and order of the circuit
11 court shall be served only on the state attorney of the
12 circuit in which the action is pending.

13 ~~(e) A maximum of 15 percent cents per credit hour may~~
14 be allocated from the capital improvement fee for child care
15 centers conducted by the community college. The use of capital
16 improvement fees for such purpose shall be subordinate to the
17 payment of any bonds secured by the fees.

18 Section 2. This act shall take effect July 1, 2005.
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