

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

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

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

14           1009.23 Community college student fees.--

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

29 separate account, and expended only to construct and equip,  
 30 maintain, improve, or enhance the educational facilities of the  
 31 community college. Projects funded through the use of the  
 32 capital improvement fee shall meet the survey and construction  
 33 requirements of chapter 1013. Pursuant to s. 216.0158, each  
 34 community college shall identify each project, including  
 35 maintenance projects, proposed to be funded in whole or in part  
 36 by such fee.

37 (b) Capital improvement fee revenues may be pledged by a  
 38 board of trustees as a dedicated revenue source to the repayment  
 39 of debt, including lease-purchase agreements with an overall  
 40 term, including renewals, extensions, and refundings, of not  
 41 more than 7 years and revenue bonds~~,~~ with a term not to exceed  
 42 20 annual maturities ~~years,~~ and not to exceed the useful life of  
 43 the asset being financed, only for financing or refinancing of  
 44 the new construction and equipment, renovation, or remodeling of  
 45 educational facilities. ~~Community colleges may use the services~~  
 46 ~~of the Division of Bond Finance of the State Board of~~  
 47 ~~Administration to issue any~~ Bonds authorized through the  
 48 provisions of this subsection shall be. ~~Any such bonds~~ issued by  
 49 the Division of Bond Finance upon the request of the community  
 50 college board of trustees shall be in compliance with the  
 51 provisions of s. 11(d), Art. VII of the State Constitution and  
 52 the State Bond Act. The Division of Bond Finance may pledge fees  
 53 collected by one or more community colleges to secure such  
 54 bonds. Any project included in the approved educational plant  
 55 survey pursuant to chapter 1013 is approved pursuant to s.  
 56 11(d), Art. VII of the State Constitution.

57        (c) The state does hereby covenant with the holders of the  
58 bonds issued under this subsection that it will not take any  
59 action that will materially and adversely affect the rights of  
60 such holders so long as the bonds authorized by this subsection  
61 are outstanding.

62        (d) Any validation of the bonds issued pursuant to the  
63 State Bond Act shall be validated in the manner provided by  
64 chapter 75. Only the initial series of bonds is required to be  
65 validated. The complaint for such validation shall be filed in  
66 the circuit court of the county where the seat of state  
67 government is situated, the notice required to be published by  
68 s. 75.06 shall be published only in the county where the  
69 complaint is filed, and the complaint and order of the circuit  
70 court shall be served only on the state attorney of the circuit  
71 in which the action is pending.

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

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