

By Senator Villalobos

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1 A bill to be entitled

2 An act relating to postsecondary student fees; amending s.
3 1009.22, F.S., relating to workforce education
4 postsecondary student fees; revising provisions to
5 restrict applicability to students who are reported for
6 funding in school districts; deleting applicability to
7 community college student fees and use thereof; deleting
8 provisions relating to use of certain fees; amending s.
9 1009.23, F.S., relating to community college student fees;
10 providing for application to certain students; providing
11 standard resident tuition for programs leading to a career
12 certificate or applied technology diploma and for adult
13 general education programs and conforming provisions
14 relating to tuition and fee increases; encouraging
15 consideration of student fee policies; providing elements
16 of such policies; revising provisions relating to
17 establishment and designation of tuition and fees by
18 community college boards of trustees; authorizing an
19 increase in the amount of fees collected for financial aid
20 purposes; increasing the amount of financial aid fees that
21 may be used to assist students who meet specified
22 criteria; providing requirements for determining fees for
23 continuing workforce education; deleting provisions
24 authorizing a separate fee for technology and use thereof;
25 deleting requirements for State Board of Education
26 rulemaking relating to the cost of educational programs
27 paid by students; amending s. 1009.25, F.S., relating to
28 fee exemptions; revising limitations on student fee
29 exemptions that may be granted by community college boards

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30 of trustees; amending s. 1001.64, F.S.; conforming cross-
31 references; providing an effective date.

32
33 Be It Enacted by the Legislature of the State of Florida:

34
35 Section 1. Section 1009.22, Florida Statutes, as amended by
36 chapter 2007-329, Laws of Florida, is amended to read:

37 1009.22 Workforce education postsecondary student fees.--

38 (1) This section applies to students enrolled in workforce
39 education programs who are reported for funding in school
40 ~~districts, except that college credit fees for the community~~
41 ~~colleges are governed by s. 1009.23.~~

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

44 (3) (a) Except as otherwise provided by law, fees for
45 students who are nonresidents for tuition purposes must offset
46 the full cost of instruction. Fee-nonexempt students enrolled in
47 vocational-preparatory instruction shall be charged fees equal to
48 the fees charged for certificate career education instruction.
49 ~~Each community college that conducts college preparatory and~~
50 ~~vocational-preparatory instruction in the same class section may~~
51 ~~charge a single fee for both types of instruction.~~

52 (b) Fees for continuing workforce education shall be
53 locally determined by the district school board ~~or community~~
54 ~~college board~~. However, at least 50 percent of the expenditures
55 for the continuing workforce education program provided by the
56 ~~community college or school district~~ must be derived from fees.

57 (c) Effective January 1, 2008, standard resident tuition
58 shall be \$1.67 per contact hour for programs leading to a career

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59 certificate or an applied technology diploma and 83 cents for
60 adult general education programs.

61 (d) Beginning with the 2008-2009 fiscal year and each year
62 thereafter, the standard resident tuition per contact hour shall
63 increase at the beginning of each fall semester at a rate equal
64 to inflation, unless otherwise provided in the General
65 Appropriations Act. The Office of Economic and Demographic
66 Research shall report the rate of inflation to the President of
67 the Senate, the Speaker of the House of Representatives, the
68 Governor, and the State Board of Education each year prior to
69 March 1. For purposes of this paragraph, the rate of inflation
70 shall be defined as the rate of the 12-month percentage change in
71 the Consumer Price Index for All Urban Consumers, U.S. City
72 Average, All Items, or successor reports as reported by the
73 United States Department of Labor, Bureau of Labor Statistics, or
74 its successor for December of the previous year. In the event the
75 percentage change is negative, the standard resident tuition
76 shall remain at the same level as the prior fiscal year.

77 (e) Each district school board ~~and each community college~~
78 ~~board of trustees~~ may adopt resident tuition that is within the
79 range of 5 percent below to 5 percent above the standard tuition.

80 (f) The maximum increase in resident tuition for any school
81 district ~~or community college~~ during the 2007-2008 fiscal year
82 shall be 5 percent over the tuition charged during the 2006-2007
83 fiscal year.

84 (g) The State Board of Education shall adopt, by rule, the
85 definitions and procedures that district school boards ~~and~~
86 ~~community college boards of trustees~~ shall use in the calculation
87 of cost borne by students.

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

91 (5) Each district school board ~~and community college board~~
92 ~~of trustees~~ may establish a separate fee for financial aid
93 purposes in an additional amount of up to 10 percent of the
94 student fees collected for workforce education programs. All fees
95 collected shall be deposited into a separate workforce education
96 student financial aid fee trust fund of the school district ~~or~~
97 ~~community college~~ to support students enrolled in workforce
98 education programs. Any undisbursed balance remaining in the
99 trust fund and interest income accruing to investments from the
100 trust fund shall increase the total funds available for
101 distribution to workforce education students. Awards shall be
102 based on student financial need and distributed in accordance
103 with a nationally recognized system of need analysis approved by
104 the State Board of Education. Fees collected pursuant to this
105 subsection shall be allocated in an expeditious manner.

106 (6) Each district school board ~~and community college board~~
107 ~~of trustees~~ may establish a separate fee for capital
108 improvements, technology enhancements, or equipping buildings
109 which may not exceed 5 percent of tuition for resident students
110 or 5 percent of tuition and out-of-state fees for nonresident
111 students. ~~Funds collected by community colleges through these~~
112 ~~fees may be bonded only for the purpose of financing or~~
113 ~~refinancing new construction and equipment, renovation, or~~
114 ~~remodeling of educational facilities. The fee shall be collected~~
115 ~~as a component part of the tuition and fees, paid into a separate~~
116 ~~account, and expended only to construct and equip, maintain,~~

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117 ~~improve, or enhance the certificate career education or adult~~
118 ~~education facilities of the school district or community college.~~
119 Projects funded through the use of the capital improvement fee
120 must meet the survey and construction requirements of chapter
121 1013. Pursuant to s. 216.0158, each district school board ~~and~~
122 ~~community college board of trustees~~ shall identify each project,
123 including maintenance projects, proposed to be funded in whole or
124 in part by such fee. ~~Capital improvement fee revenues may be~~
125 ~~pledged by a board of trustees as a dedicated revenue source to~~
126 ~~the repayment of debt, including lease-purchase agreements and~~
127 ~~revenue bonds, with a term not to exceed 20 years, and not to~~
128 ~~exceed the useful life of the asset being financed, only for the~~
129 ~~new construction and equipment, renovation, or remodeling of~~
130 ~~educational facilities. Community colleges may use the services~~
131 ~~of the Division of Bond Finance of the State Board of~~
132 ~~Administration to issue any bonds authorized through the~~
133 ~~provisions of this subsection. Any such bonds issued by the~~
134 ~~Division of Bond Finance shall be in compliance with the~~
135 ~~provisions of the State Bond Act. Bonds issued pursuant to the~~
136 ~~State Bond Act shall be validated in the manner provided by~~
137 ~~chapter 75. The complaint for such validation shall be filed in~~
138 ~~the circuit court of the county where the seat of state~~
139 ~~government is situated, the notice required to be published by s.~~
140 ~~75.06 shall be published only in the county where the complaint~~
141 ~~is filed, and the complaint and order of the circuit court shall~~
142 ~~be served only on the state attorney of the circuit in which the~~
143 ~~action is pending. A maximum of 15 cents per credit hour may be~~
144 ~~allocated from the capital improvement fee for child care centers~~

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145 ~~conducted by the district school board or community college board~~
146 ~~of trustees.~~

147 (7) Each district school board ~~and community college board~~
148 ~~of trustees~~ is authorized to establish a separate fee for
149 technology, not to exceed \$1.80 per credit hour or credit-hour
150 equivalent for resident students and not more than \$5.40 per
151 credit hour or credit-hour equivalent for nonresident students,
152 or the equivalent, to be expended in accordance with technology
153 improvement plans. ~~The technology fee may apply only to associate~~
154 ~~degree programs and courses.~~ Fifty percent of technology fee
155 revenues may be pledged ~~by a community college board of trustees~~
156 as a dedicated revenue source for the repayment of debt,
157 including lease-purchase agreements, not to exceed the useful
158 life of the asset being financed. Revenues generated from the
159 technology fee may not be bonded.

160 (8) Each district school board ~~and community college board~~
161 ~~of trustees~~ is authorized to establish specific fees for
162 workforce development instruction not reported for state funding
163 purposes or for workforce development instruction not reported as
164 state funded full-time equivalent students. District school
165 boards ~~and community college boards of trustees~~ are not required
166 to charge any other fee specified in this section for this type
167 of instruction.

168 (9) ~~Community college boards of trustees and~~ District
169 school boards are not authorized to charge students enrolled in
170 workforce development programs any fee that is not specifically
171 authorized by statute. In addition to tuition, out-of-state,
172 financial aid, capital improvement, and technology fees, as
173 authorized in this section, ~~community college boards of trustees~~

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174 and district school boards are authorized to establish fee
175 schedules for the following user fees and fines: laboratory fees;
176 parking fees and fines; library fees and fines; fees and fines
177 relating to facilities and equipment use or damage; access or
178 identification card fees; duplicating, photocopying, binding, or
179 microfilming fees; standardized testing fees; diploma replacement
180 fees; transcript fees; application fees; graduation fees; and
181 late fees related to registration and payment. Such user fees and
182 fines shall not exceed the cost of the services provided and
183 shall only be charged to persons receiving the service. ~~Parking~~
184 ~~fee revenues may be pledged by a community college board of~~
185 ~~trustees as a dedicated revenue source for the repayment of debt,~~
186 ~~including lease-purchase agreements and revenue bonds with terms~~
187 ~~not exceeding 20 years and not exceeding the useful life of the~~
188 ~~asset being financed. Community colleges shall use the services~~
189 ~~of the Division of Bond Finance of the State Board of~~
190 ~~Administration to issue any revenue bonds authorized by the~~
191 ~~provisions of this subsection. Any such bonds issued by the~~
192 ~~Division of Bond Finance shall be in compliance with the~~
193 ~~provisions of the State Bond Act. Bonds issued pursuant to the~~
194 ~~State Bond Act shall be validated in the manner established in~~
195 ~~chapter 75. The complaint for such validation shall be filed in~~
196 ~~the circuit court of the county where the seat of state~~
197 ~~government is situated, the notice required to be published by s.~~
198 ~~75.06 shall be published only in the county where the complaint~~
199 ~~is filed, and the complaint and order of the circuit court shall~~
200 ~~be served only on the state attorney of the circuit in which the~~
201 ~~action is pending.~~

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202 (10) Each school district ~~and community college~~ may assess
203 a service charge for the payment of tuition and fees in
204 installments. Such service charge must be approved by the
205 district school board ~~or community college board of trustees.~~

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

218 (12) Each school district ~~and community college~~ shall
219 report only those students who have actually enrolled in
220 instruction provided or supervised by instructional personnel
221 under contract with the district ~~or community college~~ in
222 calculations of actual full-time enrollments for state funding
223 purposes. A student who has been exempted from taking a course or
224 who has been granted academic or technical credit through means
225 other than actual coursework completed at the granting
226 institution may not be calculated for enrollment in the course
227 from which the student has been exempted or for which the student
228 has been granted credit. School districts ~~and community colleges~~
229 that report enrollments in violation of this subsection shall be
230 penalized at a rate equal to 2 times the value of such

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231 | enrollments. Such penalty shall be charged against the following
232 | year's allocation from workforce education funds and shall revert
233 | to the General Revenue Fund.

234 | Section 2. Subsections (1), (3), and (4), paragraphs (a)
235 | and (c) of subsection (8), and subsections (10), (12), and (16)
236 | of section 1009.23, Florida Statutes, as amended by chapter 2007-
237 | 329, Laws of Florida, are amended to read:

238 | 1009.23 Community college student fees.--

239 | (1) This section applies to students enrolled in community
240 | college instructional programs who are reported for state
241 | funding. Unless otherwise provided, this section applies only to
242 | fees charged for college credit instruction leading to an
243 | associate in arts degree, an associate in applied science degree,
244 | an associate in science degree, or a baccalaureate degree
245 | authorized pursuant to s. 1007.33 or s. 1004.73, for noncollege
246 | credit college preparatory courses defined in s. 1004.02, and for
247 | educator preparation institute programs defined in s. 1004.85.

248 | (3) (a) Effective January 1, 2008, for advanced and
249 | professional, postsecondary vocational, college preparatory, and
250 | educator preparation institute programs, the following tuition
251 | and fee rates shall apply:

252 | 1. The sum of the standard tuition and the technology fee
253 | shall be \$51.35 per credit hour for students who are residents
254 | for tuition purposes.

255 | 2. The sum of the standard tuition, the technology fee, and
256 | the out-of-state fee shall be \$154.14 per credit hour for
257 | students who are nonresidents for tuition purposes.

258 | (b) Effective January 1, 2008, standard resident tuition
259 | shall be \$1.67 per contact hour for programs leading to a career

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260 certificate or an applied technology diploma and 83 cents for
261 adult general education programs.

262 (c) ~~(b)~~ Effective January 1, 2008, for baccalaureate degree
263 programs, the following tuition and fee rates shall apply:

264 1. The sum of the tuition and the technology fee shall be
265 \$65.47 per credit hour for students who are residents for tuition
266 purposes.

267 2. The sum of the tuition, the technology fee, and the out-
268 of-state fee per credit hour for students who are nonresidents
269 for tuition purposes shall be no more than 85 percent of the sum
270 of the tuition and the out-of-state fee at the state university
271 nearest the community college.

272 (d) ~~(e)~~ Beginning with the 2008-2009 fiscal year and each
273 year thereafter, the standard tuition and out-of-state fees
274 specified in paragraphs (a), ~~and (b)~~, and (c) shall increase at
275 the beginning of each fall semester at a rate equal to inflation,
276 unless otherwise provided in the General Appropriations Act. The
277 Office of Economic and Demographic Research shall report the rate
278 of inflation to the President of the Senate, the Speaker of the
279 House of Representatives, the Governor, and the State Board of
280 Education each year prior to March 1. For purposes of this
281 paragraph, the rate of inflation shall be defined as the rate of
282 the 12-month percentage change in the Consumer Price Index for
283 All Urban Consumers, U.S. City Average, All Items, or successor
284 reports as reported by the United States Department of Labor,
285 Bureau of Labor Statistics, or its successor for December of the
286 previous year. In the event the percentage change is negative,
287 the standard ~~sum of the tuition and the technology fee per credit~~

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288 ~~hour and~~ the out-of-state fee per credit hour shall remain at the
289 same levels as the prior fiscal year.

290 (e) The adoption of standard tuition and out-of-state fee
291 rates in the General Appropriations Act should consider the
292 elements of a student fee policy. A student fee policy shall
293 address, at a minimum, the following elements:

294 1. Annual changes in the Consumer Price Index as specified
295 in paragraph (d).

296 2. The relationship to median family income.

297 3. The availability of student financial aid.

298 4. The gap between community college and state university
299 fees.

300 5. The total funding per full-time equivalent student,
301 including state funds and student fees.

302 (4) Each community college board of trustees shall
303 establish tuition and out-of-state fees, which may vary no more
304 than 10 percent below and 15 percent above ~~the combined total of~~
305 the standard tuition and out-of-state fees established in
306 subsection (3). A community college board of trustees may
307 designate a portion of the tuition and technology fee for safety
308 and security purposes., provided that any amount from 10 to 15
309 percent above the standard tuition and fees established in
310 subsection (3) shall be used only to support safety and security
311 purposes. In order to assess an additional amount for safety and
312 security purposes, a community college board of trustees must
313 provide written justification to the State Board of Education
314 based on criteria approved by the board of trustees, including,
315 but not limited to, criteria such as local crime data and
316 information, and strategies for the implementation of local

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317 ~~safety plans. Should a college decide to increase the tuition and~~
318 ~~fees, the funds raised by increasing the tuition and fees must be~~
319 ~~expended solely for additional safety and security purposes and~~
320 ~~shall not supplant funding expended in the 1998-1999 budget for~~
321 ~~safety and security purposes.~~

322 (8) (a) Each community college board of trustees is
323 authorized to establish a separate fee for financial aid purposes
324 in an additional amount up to, but not to exceed, 5 percent of
325 the total student tuition or out-of-state fees collected. Each
326 community college board of trustees may collect up to an
327 additional 2 percent if the amount generated by the total
328 financial aid fee is less than \$1,000,000 ~~\$250,000~~. If the amount
329 generated is less than \$1,000,000 ~~\$250,000~~, a community college
330 that charges tuition and out-of-state fees at least equal to the
331 average fees established by rule may transfer from the general
332 current fund to the scholarship fund an amount equal to the
333 difference between \$1,000,000 ~~\$250,000~~ and the amount generated
334 by the total financial aid fee assessment. No other transfer from
335 the general current fund to the loan, endowment, or scholarship
336 fund, by whatever name known, is authorized.

337 (c) Up to 25 percent or \$600,000 ~~\$300,000~~, whichever is
338 greater, of the financial aid fees collected may be used to
339 assist students who demonstrate academic merit; who participate
340 in athletics, public service, cultural arts, and other
341 extracurricular programs as determined by the institution; or who
342 are identified as members of a targeted gender or ethnic minority
343 population. The financial aid fee revenues allocated for athletic
344 scholarships and fee exemptions provided pursuant to s.
345 1009.25(3) for athletes shall be distributed equitably as

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346 required by s. 1000.05(3)(d). A minimum of 75 percent of the
347 balance of these funds for new awards shall be used to provide
348 financial aid based on absolute need, and the remainder of the
349 funds shall be used for academic merit purposes and other
350 purposes approved by the boards of trustees. Such other purposes
351 shall include the payment of child care fees for students with
352 financial need. The State Board of Education shall develop
353 criteria for making financial aid awards. Each college shall
354 report annually to the Department of Education on the revenue
355 collected pursuant to this paragraph, the amount carried forward,
356 the criteria used to make awards, the amount and number of awards
357 for each criterion, and a delineation of the distribution of such
358 awards. The report shall include an assessment by category of the
359 financial need of every student who receives an award, regardless
360 of the purpose for which the award is received. Awards which are
361 based on financial need shall be distributed in accordance with a
362 nationally recognized system of need analysis approved by the
363 State Board of Education. An award for academic merit shall
364 require a minimum overall grade point average of 3.0 on a 4.0
365 scale or the equivalent for both initial receipt of the award and
366 renewal of the award.

367 (10) Fees for continuing workforce education shall be
368 locally determined by each community college board of trustees.
369 However, a minimum of the total budgeted direct instructional
370 costs of the expenditures for the continuing workforce education
371 program of a community college must be derived from budgeted fee
372 revenues. ~~Each community college board of trustees is authorized~~
373 ~~to establish a separate fee for technology, which may not exceed~~
374 ~~\$1.80 per credit hour or credit-hour equivalent for resident~~

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375 ~~students and not more than \$5.40 per credit hour or credit-hour~~
376 ~~equivalent for nonresident students, to be expended according to~~
377 ~~technology improvement plans. The technology fee may apply to~~
378 ~~both college credit and college-preparatory instruction. Fifty~~
379 ~~percent of technology fee revenues may be pledged by a community~~
380 ~~college board of trustees as a dedicated revenue source for the~~
381 ~~repayment of debt, including lease-purchase agreements, not to~~
382 ~~exceed the useful life of the asset being financed. Revenues~~
383 ~~generated from the technology fee may not be bonded.~~

384 (12) In addition to tuition, out-of-state, financial aid,
385 capital improvement, and student activity and service,~~and~~
386 ~~technology~~ fees authorized in this section, each community
387 college board of trustees is authorized to establish fee
388 schedules for the following user fees and fines: laboratory fees;
389 parking fees and fines; library fees and fines; fees and fines
390 relating to facilities and equipment use or damage; access or
391 identification card fees; duplicating, photocopying, binding, or
392 microfilming fees; standardized testing fees; diploma replacement
393 fees; transcript fees; application fees; graduation fees; and
394 late fees related to registration and payment. Such user fees and
395 fines shall not exceed the cost of the services provided and
396 shall only be charged to persons receiving the service. A
397 community college may not charge any fee except as authorized by
398 law or rules of the State Board of Education. Parking fee
399 revenues may be pledged by a community college board of trustees
400 as a dedicated revenue source for the repayment of debt,
401 including lease-purchase agreements and revenue bonds with terms
402 not exceeding 20 years and not exceeding the useful life of the
403 asset being financed. Community colleges shall use the services

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404 of the Division of Bond Finance of the State Board of
405 Administration to issue any revenue bonds authorized by the
406 provisions of this subsection. Any such bonds issued by the
407 Division of Bond Finance shall be in compliance with the
408 provisions of the State Bond Act. Bonds issued pursuant to the
409 State Bond Act shall be validated in the manner established in
410 chapter 75. The complaint for such validation shall be filed in
411 the circuit court of the county where the seat of state
412 government is situated, the notice required to be published by s.
413 75.06 shall be published only in the county where the complaint
414 is filed, and the complaint and order of the circuit court shall
415 be served only on the state attorney of the circuit in which the
416 action is pending.

417 ~~(16) The State Board of Education shall adopt a rule~~
418 ~~specifying the definitions and procedures to be used in the~~
419 ~~calculation of the percentage of cost paid by students. The rule~~
420 ~~must provide for the calculation of the full cost of educational~~
421 ~~programs based on the allocation of all funds provided through~~
422 ~~the general current fund to programs of instruction, and other~~
423 ~~activities as provided in the annual expenditure analysis. The~~
424 ~~rule shall be developed in consultation with the Legislature.~~

425 Section 3. Subsection (3) of section 1009.25, Florida
426 Statutes, is amended to read:

427 1009.25 Fee exemptions.--

428 (3) At the discretion of the community college board of
429 trustees, each community college is authorized to grant student
430 fee exemptions from all fees authorized in s. 1009.23 ~~adopted by~~
431 ~~the State Board of Education and the community college board of~~
432 ~~trustees~~ for up to 1 percent of the community college's prior

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433 year fee-paying full-time equivalent students or 54 40 full-time
434 equivalent students, whichever is greater at each institution. A
435 fee-paying student means a student enrolled in college-
436 preparatory courses, an associate in arts degree program, an
437 associate in science degree program, career preparatory
438 instruction, an educator preparation institute, or a
439 baccalaureate degree program.

440 Section 4. Subsections (10) and (38) of section 1001.64,
441 Florida Statutes, are amended to read:

442 1001.64 Community college boards of trustees; powers and
443 duties.--

444 (10) Each board of trustees shall establish fees pursuant
445 to ss. ~~1009.22~~, 1009.23, 1009.25, 1009.26, and 1009.27.

446 (38) Each board of trustees is authorized to borrow funds
447 and incur debt, including entering into lease-purchase agreements
448 and the issuance of revenue bonds as specifically authorized and
449 only for the purposes authorized in s. ss. 1009.22(6) and (9) and
450 1009.23(11) and (12). At the option of the board of trustees,
451 bonds may be issued which are secured by a combination of
452 revenues authorized to be pledged to bonds pursuant to s. ss.
453 1009.22(6) and 1009.23(11) or (12) ss. 1009.22(9) and
454 1009.23(12). ~~Lease purchase agreements may be secured by a~~
455 ~~combination of revenues as specifically authorized pursuant to~~
456 ~~ss. 1009.22(7) and 1009.23(10).~~

457 Section 5. This act shall take effect July 1, 2008.