

By Senator Altman

24-00920C-11

20111518

1 A bill to be entitled
2 An act relating to postsecondary student fees;
3 amending s. 1009.22, F.S.; requiring that acquisitions
4 of improved real property by a district school board
5 or Florida College System institution board of
6 trustees which are funded through the use of the
7 capital improvement fee meet certain survey and
8 construction requirements; authorizing a Florida
9 College System institution that has not met certain
10 relative space needs to establish a capital
11 improvement fee for 5 fiscal years; providing a
12 maximum fee amount; providing requirements relating to
13 the use of the fee; amending s. 1009.23, F.S.;
14 deleting a fee limitation; requiring that acquisitions
15 of improved real property by a Florida College System
16 institution board of trustees which are funded through
17 the use of the capital improvement fee meet certain
18 survey and construction requirements; authorizing a
19 Florida College System institution that has not met
20 certain relative space needs to establish a capital
21 improvement fee for 5 fiscal years; providing a
22 maximum fee amount; providing requirements relating to
23 the use of the fee; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. Subsection (6) of section 1009.22, Florida
28 Statutes, is amended to read:

29 1009.22 Workforce education postsecondary student fees.—

24-00920C-11

20111518

30 (6) (a) Each district school board and community college
31 board of trustees may establish a separate fee for capital
32 improvements, technology enhancements, or equipping buildings
33 which may not exceed 5 percent of tuition for resident students
34 or 5 percent of tuition and out-of-state fees for nonresident
35 students. Funds collected by community colleges through the fee
36 may be bonded only for the purpose of financing or refinancing
37 new construction and equipment, renovation, or remodeling of
38 educational facilities. The fee shall be collected as a
39 component part of the tuition and fees, paid into a separate
40 account, and expended only to construct and equip, maintain,
41 improve, or enhance the certificate career education or adult
42 education facilities of the school district or community
43 college. Projects and acquisitions of improved real property
44 funded through the use of the capital improvement fee must meet
45 the survey and construction requirements of chapter 1013.
46 Pursuant to s. 216.0158, each district school board and
47 community college board of trustees shall identify each project,
48 including maintenance projects, proposed to be funded in whole
49 or in part by such fee. Capital improvement fee revenues may be
50 pledged by a board of trustees as a dedicated revenue source to
51 the repayment of debt, including lease-purchase agreements, with
52 an overall term of not more than 7 years, including renewals,
53 extensions, and refundings, and revenue bonds with a term not
54 exceeding 20 years and not exceeding the useful life of the
55 asset being financed, only for the new construction and
56 equipment, renovation, or remodeling of educational facilities.
57 Bonds authorized pursuant to this paragraph shall be requested
58 by the community college board of trustees and shall be issued

24-00920C-11

20111518

59 by the Division of Bond Finance in compliance with s. 11(d),
60 Art. VII of the State Constitution and the State Bond Act. The
61 Division of Bond Finance may pledge fees collected by one or
62 more community colleges to secure such bonds. Any project
63 included in the approved educational plant survey pursuant to
64 chapter 1013 is approved pursuant to s. 11(f), Art. VII of the
65 State Constitution. Bonds issued pursuant to the State Bond Act
66 may be validated in the manner provided by chapter 75. The
67 complaint for such validation shall be filed in the circuit
68 court of the county where the seat of state government is
69 situated, the notice required to be published by s. 75.06 shall
70 be published only in the county where the complaint is filed,
71 and the complaint and order of the circuit court shall be served
72 only on the state attorney of the circuit in which the action is
73 pending. A maximum of 15 cents per credit hour may be allocated
74 from the capital improvement fee for child care centers
75 conducted by the district school board or community college
76 board of trustees. The use of capital improvement fees for such
77 purpose shall be subordinate to the payment of any bonds secured
78 by the fees.

79 (b) A Florida College System institution that has met less
80 than 65 percent of its relative space needs, as determined by
81 the Division of Florida Colleges by January 1 of each year, may
82 establish a capital improvement fee that may not exceed 20
83 percent of tuition for resident students or 20 percent of
84 tuition and out-of-state fees for nonresident students for the
85 subsequent 5 fiscal years. Funds collected through the capital
86 improvement fee in accordance with this paragraph which exceed 5
87 percent of tuition for resident students or 5 percent of tuition

24-00920C-11

20111518

88 and out-of-state fees for nonresident students may not be
89 bonded. Funds collected through the capital improvement fee in
90 accordance with this paragraph may be spent on any project or
91 improved real property acquisition that meets the survey and
92 construction requirements of chapter 1013.

93 (c) ~~(b)~~ The state does hereby covenant with the holders of
94 the bonds issued under paragraph (a) that it will not take any
95 action that will materially and adversely affect the rights of
96 such holders so long as the bonds authorized by paragraph (a)
97 are outstanding.

98 Section 2. Subsection (11) of section 1009.23, Florida
99 Statutes, is amended to read:

100 1009.23 Community college student fees.—

101 (11) (a) Each community college board of trustees may
102 establish a separate fee for capital improvements, technology
103 enhancements, or equipping student buildings which may not
104 exceed 10 percent of tuition for resident students or 10 percent
105 of the sum of tuition and out-of-state fees for nonresident
106 students. ~~The fee for resident students shall be limited to an~~
107 ~~increase of \$2 per credit hour over the prior year.~~ Funds
108 collected by community colleges through the fee may be bonded
109 only as provided in this subsection for the purpose of financing
110 or refinancing new construction and equipment, renovation, or
111 remodeling of educational facilities. The fee shall be collected
112 as a component part of the tuition and fees, paid into a
113 separate account, and expended only to construct and equip,
114 maintain, improve, or enhance the educational facilities of the
115 community college. Projects and acquisitions of improved real
116 property funded through the use of the capital improvement fee

24-00920C-11

20111518

117 shall meet the survey and construction requirements of chapter
118 1013. Pursuant to s. 216.0158, each community college shall
119 identify each project, including maintenance projects, proposed
120 to be funded in whole or in part by such fee.

121 (b) Capital improvement fee revenues may be pledged by a
122 board of trustees as a dedicated revenue source to the repayment
123 of debt, including lease-purchase agreements, with an overall
124 term of not more than 7 years, including renewals, extensions,
125 and refundings, and revenue bonds with a term not exceeding 20
126 annual maturities and not exceeding the useful life of the asset
127 being financed, only for financing or refinancing of the new
128 construction and equipment, renovation, or remodeling of
129 educational facilities. Bonds authorized pursuant to this
130 subsection shall be requested by the community college board of
131 trustees and shall be issued by the Division of Bond Finance in
132 compliance with s. 11(d), Art. VII of the State Constitution and
133 the State Bond Act. The Division of Bond Finance may pledge fees
134 collected by one or more community colleges to secure such
135 bonds. Any project included in the approved educational plant
136 survey pursuant to chapter 1013 is approved pursuant to s.
137 11(f), Art. VII of the State Constitution.

138 (c) Bonds issued pursuant to this subsection may be
139 validated in the manner provided by chapter 75. Only the initial
140 series of bonds is required to be validated. The complaint for
141 such validation shall be filed in the circuit court of the
142 county where the seat of state government is situated, the
143 notice required to be published by s. 75.06 shall be published
144 only in the county where the complaint is filed, and the
145 complaint and order of the circuit court shall be served only on

24-00920C-11

20111518

146 the state attorney of the circuit in which the action is
147 pending.

148 (d) A Florida College System institution that has met less
149 than 65 percent of its relative space needs, as determined by
150 the Division of Florida Colleges by January 1 of each year, may
151 establish a capital improvement fee that may not exceed 20
152 percent of tuition for resident students or 20 percent of
153 tuition and out-of-state fees for nonresident students for the
154 subsequent 5 fiscal years. Funds collected through the capital
155 improvement fee in accordance with this paragraph which exceed
156 10 percent of tuition for resident students or 10 percent of
157 tuition and out-of-state fees for nonresident students may not
158 be bonded. Funds collected through the capital improvement fee
159 in accordance with this paragraph may be spent on any project or
160 improved real property acquisition that meets the survey and
161 construction requirements of chapter 1013.

162 (e)~~(d)~~ A maximum of 15 percent may be allocated from the
163 capital improvement fee for child care centers conducted by the
164 community college. The use of capital improvement fees for such
165 purpose shall be subordinate to the payment of any bonds secured
166 by the fees.

167 (f)~~(e)~~ The state does hereby covenant with the holders of
168 the bonds issued under this subsection that it will not take any
169 action that will materially and adversely affect the rights of
170 such holders so long as the bonds authorized by this subsection
171 are outstanding.

172 Section 3. This act shall take effect July 1, 2011.