

CHAPTER 99-249

Senate Bill No. 1288

An act relating to education; amending s. 239.117, F.S.; revising requirements regarding fee schedules for workforce development education; amending s. 240.311, F.S.; authorizing the State Board of Community Colleges to develop and produce certain work products related to distance learning; authorizing fees for such materials for purposes of educational use; requiring annual postaudits; requiring the adoption of rules; requiring the submission of a report; amending s. 239.117, F.S.; revising provisions relating to financial aid fees for workforce development programs; specifying authorized fees for workforce development programs; providing for parking fees and technology fees to be pledged as dedicated funding sources for the repayment of debt; amending s. 240.319, F.S.; providing requirements for lease-purchase agreements; correcting cross references; amending s. 240.35, F.S.; revising requirements regarding fee schedules, matriculation and tuition fees, financial aid fees, and technology fees; specifying fees authorized to be established by community college boards of trustees; requiring the State Board of Community Colleges to submit an annual report to the Legislature; providing an effective date.

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

Section 1. Subsections (6) and (7) of section 239.117, Florida Statutes, 1998 Supplement, are amended to read:

239.117 Postsecondary student fees.—

(6)(a) The Commissioner of Education shall provide to the State Board of Education no later than December 31 of each year a schedule of fees for workforce development education, excluding continuing workforce education, for school districts and community colleges. The fee schedule shall be based on the amount of student fees necessary to produce 25 percent of the prior year's average cost of a course of study leading to a certificate or diploma ~~and 50 percent of the prior year's cost of a continuing workforce education course~~. At the discretion of a school board or a community college, this fee schedule may be implemented over a 3-year period, with full implementation in the 1999-2000 school year. In years preceding that year, if fee increases are necessary for some programs or courses, the fees shall be raised in increments designed to lessen their impact upon students already enrolled. Fees for students who are not residents for tuition purposes must offset the full cost of instruction. Fee-nonexempt students enrolled in vocational-preparatory instruction shall be charged fees equal to the fees charged for certificate career education instruction. Each community college that conducts college-preparatory and vocational-preparatory instruction in the same class section may charge a single fee for both types of instruction.

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

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

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

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

(7) Each year the State Board of Community Colleges shall review and evaluate the percentage of the cost of adult programs and certificate career education programs supported through student fees. For students who are residents for tuition purposes, the schedule so adopted must produce revenues equal to 25 percent of the prior year's average program cost for college-preparatory and certificate-level workforce development programs ~~and 50 percent of the prior year's program cost for student enrollment in continuing workforce education.~~ Fees for continuing workforce education shall be locally determined by the school board or community college. However, at least 50 percent of the expenditures for the continuing workforce education program provided by the community college or school district must be derived from fees. Fees for students who are not residents for tuition purposes must offset the full cost of instruction.

Section 2. Subsection (8) is added to section 240.311, Florida Statutes, 1998 Supplement, to read:

240.311 State Board of Community Colleges; powers and duties.—

(8)(a) The State Board of Community Colleges is authorized to develop and produce work products which relate to mechanisms to provide for consolidated and coordinated program development and educational endeavors to support distance learning instruction which are subject to trademark, copyright, or patent statutes. To this end, the board shall consider the relative contribution by the personnel employed in the development of such work products and shall enter into binding agreements with such personnel, organizations, corporations, or government entities, which agreements shall establish the percentage of ownership of such trademarks, copyrights, or patents. Any other law to the contrary notwithstanding, the board is authorized in its own name to:

1. Perform all things necessary to secure letters of patent, copyrights, and trademarks on any such work products and to enforce its rights therein.

2. License, lease, assign, or otherwise give written consent to any person, firm, or corporation for the manufacture or use thereof on a royalty basis or for such other consideration as the board deems proper.

3. Take any action necessary, including legal action, to protect the same against improper or unlawful use or infringement.

4. Enforce the collection of any sums due the board for the manufacture or use thereof by any other party.
5. Sell any such work products and execute all instruments necessary to consummate any such sale.
6. Perform all other acts necessary and proper for the execution of powers and duties provided by this paragraph.

Any proceeds therefrom shall be deposited and expended by a Florida not-for-profit corporation, incorporated under the provisions of chapter 617 and approved by the Department of State, to be used as directed by the board to pay the cost of producing and disseminating educational materials and products to carry out the intent of this act. Any action taken by the board in securing or exploiting such trademarks, copyrights, or patents shall, within 30 days, be reported by the board to the Department of State.

(b) The board is authorized to publish, produce, or have produced materials and products and shall make them readily available for appropriate use in the state system of education. The board is authorized to charge an amount adequate to cover the essential cost of producing and disseminating such materials and products in the state system of education and is authorized to sell copies for educational use to nonpublic schools in the state and to the public.

(c) Any Florida not-for-profit corporation receiving funds pursuant to this section shall make provisions for an annual postaudit of its financial accounts to be conducted by an independent certified public accountant in accordance with rules to be adopted by the board. The annual audit report shall be submitted to the Auditor General and the board for review. The board and the Auditor General shall have the authority to require and receive from the organization or from its independent auditor any detail or supplemental data relative to the operation of the organization.

Section 3. Subsections (8), (9), and (16) of section 239.117, Florida Statutes, 1998 Supplement, are amended, subsections (10) through (15) of said section are renumbered as subsections (9) through (14), respectively, subsection (17) is renumbered as subsection (15), and new subsections (16), (17), and (18) are added to said section, to read:

239.117 Workforce development postsecondary student fees.—

(8) Each school board and community college board of trustees may establish a separate fee collect, for financial aid purposes in, up to an additional amount of up to 10 percent of the student fees collected for workforce development programs funded through the Workforce Development Education Fund. All fees collected shall be deposited into a separate workforce development student financial aid fee trust fund of the district or community college to support students enrolled in workforce development programs. Any undisbursed balance remaining in the trust fund and interest income accruing to investments from the trust fund shall increase the total funds available for distribution to workforce development education students.

Awards shall be based on student financial need and distributed in accordance with a nationally recognized system of need analysis approved by the State Board for Career Education. Fees collected pursuant to this subsection shall be allocated in an expeditious manner.

~~(9) A district school board or a community college board of trustees may charge other fees only as authorized by rule of the State Board of Education or the State Board of Community Colleges.~~

~~(16) School boards and community college boards of trustees may establish, by rule, a consumable supply fee for postsecondary students enrolled in certificate career education or supplemental courses.~~

(16) Community colleges and district school boards are not authorized to charge students enrolled in workforce development programs any fee that is not specifically authorized by statute. In addition to matriculation, tuition, financial aid, capital improvement, and technology fees, as authorized in this section, community colleges and district school boards are authorized to establish fee schedules for the following user fees and fines: laboratory fees; parking fees and fines; library fees and fines; fees and fines relating to facilities and equipment use or damage; access or identification card fees; duplicating, photocopying, binding, or microfilming fees; standardized testing fees; diploma replacement fees; transcript fees; application fees; graduation fees; and late fees related to registration and payment. Such user fees and fines shall not exceed the cost of the services provided and shall only be charged to persons receiving the service. Parking fee revenues may be pledged by a community college board of trustees as a dedicated revenue source for the repayment of debt, including lease-purchase agreements and revenue bonds with terms not exceeding 20 years and not exceeding the useful life of the asset being financed. Community colleges shall use the services of the Division of Bond Finance of the State Board of Administration to issue any revenue bonds authorized by the provisions of this subsection. Any such bonds issued by the Division of Bond Finance shall be in compliance with the provisions of the State Bond Act. Bonds issued pursuant to the State Bond Act shall be validated in the manner established in chapter 75. The complaint for such validation shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending.

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

(18) Each district school board and community college district board of trustees is authorized to establish a separate fee for technology, not to exceed \$1.80 per credit hour or credit-hour equivalent for resident students and not more than \$5.40 per credit hour or credit-hour equivalent for non-resident students, or the equivalent, to be expended in accordance with

technology improvement plans. The technology fee may apply only to associate degree programs and courses. Fifty percent of technology fee revenues may be pledged by a community college board of trustees as a dedicated revenue source for the repayment of debt, including lease-purchase agreements, not to exceed the useful life of the asset being financed. Revenues generated from the technology fee may not be bonded.

Section 4. Paragraph (t) of subsection (4) of section 240.319, Florida Statutes, 1998 Supplement, is amended to read:

240.319 Community college district boards of trustees; duties and powers.—

(4) Such rules, procedures, and policies for the boards of trustees include, but are not limited to, the following:

(t) Each board of trustees is authorized to borrow funds and incur debt, including entering into lease-purchase agreements and the issuance of revenue bonds as specifically authorized and only for the purposes authorized in ss. 239.117(15) and (16)(17) and 240.35(14) and (15)(13), only for the new construction and equipment, renovation, or remodeling of educational facilities. At the option of the board of trustees, bonds may be issued which are secured by a combination of revenues authorized to be pledged to bonds pursuant to ss. 239.117(15)(17) and 240.35(14)(13) or ss. 239.117(16) and 240.35(15). Lease-purchase agreements may be secured by a combination of revenues as specifically authorized pursuant to ss. 239.117(18) and 240.35(16).

Section 5. Subsections (6) and (7), and paragraphs (a) and (c) of subsection (11) of section 240.35, Florida Statutes, 1998 Supplement, are amended, subsection (15) is renumbered as subsection (17), and new subsections (15) and (16) are added to said section, to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction leading to an associate in arts degree, an associate in applied science degree, or an associate in science degree and noncollege credit college-preparatory courses defined in s. 239.105.

(6) ~~Subject to review and final approval by the State Board of Education,~~ The State Board of Community Colleges shall adopt by December 31 of each year a resident fee schedule for the following fall for advanced and professional, associate in science degree, and college-preparatory programs that produce revenues in the amount of 25 percent of the full prior year's cost of these programs. However, the board may not adopt an annual fee increase in any program for resident students which exceeds 10 percent. Fees for courses in college-preparatory programs and associate in arts and associate in science degree programs may be established at the same level. In the absence of a provision to the contrary in an appropriations act, the fee schedule shall take effect and the colleges shall expend the funds on instruction. If the Legislature provides for an alternative fee schedule calculation in an appropriations act, the fee schedule shall take effect the subsequent fall semester ~~board shall establish a fee schedule that produces the fee~~

revenue established in the appropriations act based on the assigned enrollment.

(7) Each community college board of trustees shall establish matriculation and tuition fees, which may vary no more than 10 percent below and 15 percent above ~~from~~ the fee schedule adopted by the State Board of Community Colleges, provided that any amount from 10 to 15 percent above the fee schedule is used only to support safety and security purposes. In order to assess an additional amount for safety and security purposes, a community college board of trustees must provide written justification to the State Board of Community Colleges based on criteria approved by the local board of trustees, including but not limited to criteria such as local crime data and information, and strategies for the implementation of local safety plans. For 1999-2000, each community college is authorized to increase the sum of the matriculation fee and technology fee by not more than 5 percent of the sum of the matriculation and local safety and security fees in 1998-1999. However, no fee in 1999-2000 shall exceed the prescribed statutory limit. Should a college decide to increase the matriculation fee, the funds raised by increasing the matriculation fee must be expended solely for additional safety and security purposes and shall not supplant funding expended in the 1998-1999 budget for safety and security purposes.

(11)(a) Each community college is authorized to establish a separate fee collect for financial aid purposes in an additional amount up to, but not to exceed, 5 percent of the total student tuition or matriculation fees collected. Each community college may collect up to an additional 2 percent if the amount generated by the total financial aid fee is less than \$250,000. If the amount generated is less than \$250,000, a community college that charges tuition and matriculation fees at least equal to the average fees established by rule may transfer from the general current fund to the scholarship fund an amount equal to the difference between \$250,000 and the amount generated by the total financial aid fee assessment. No other transfer from the general current fund to the loan, endowment, or scholarship fund, by whatever name known, is authorized.

(c) Up to 25 percent or \$300,000, whichever is greater, of the financial aid fees collected may be used to assist students who demonstrate academic merit; who participate in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution; or who are identified as members of a targeted gender or ethnic minority population. The financial aid fee revenues allocated for athletic scholarships and fee exemptions provided pursuant to subsection (17) ~~(15)~~ for athletes shall be distributed equitably as required by s. 228.2001(3)(d). A minimum of 50 percent of the balance of these funds shall be used to provide financial aid based on absolute need, and the remainder of the funds shall be used for academic merit purposes and other purposes approved by the district boards of trustees. Such other purposes shall include the payment of child care fees for students with financial need. The State Board of Community Colleges shall develop criteria for making financial aid awards. Each college shall report annually to the Department of Education on the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. Awards which are based on financial

need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Community Colleges. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

(15) In addition to matriculation, tuition, financial aid, capital improvement, student activity and service, and technology fees authorized in this section, each board of trustees is authorized to establish fee schedules for the following user fees and fines: laboratory fees; parking fees and fines; library fees and fines; fees and fines relating to facilities and equipment use or damage; access or identification card fees; duplicating, photocopying, binding, or microfilming fees; standardized testing fees; diploma replacement fees; transcript fees; application fees; graduation fees; and late fees related to registration and payment. Such user fees and fines shall not exceed the cost of the services provided and shall only be charged to persons receiving the service. Community colleges are not authorized to charge any fee that is not specifically authorized by statute. Parking fee revenues may be pledged by a community college board of trustees as a dedicated revenue source for the repayment of debt, including lease-purchase agreements and revenue bonds with terms not exceeding 20 years and not exceeding the useful life of the asset being financed. Community colleges shall use the services of the Division of Bond Finance of the State Board of Administration to issue any revenue bonds authorized by the provisions of this subsection. Any such bonds issued by the Division of Bond Finance shall be in compliance with the provisions of the State Bond Act. Bonds issued pursuant to the State Bond Act shall be validated in the manner established in chapter 75. The complaint for such validation shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending.

(16) Each community college district board of trustees is authorized to establish a separate fee for technology, which may not exceed \$1.80 per credit hour or credit-hour equivalent for resident students and not more than \$5.40 per credit hour or credit-hour equivalent for nonresident students, to be expended according to technology improvement plans. The technology fee may apply to both college credit and college-preparatory instruction. Fifty percent of technology fee revenues may be pledged by a community college board of trustees as a dedicated revenue source for the repayment of debt, including lease-purchase agreements, not to exceed the useful life of the asset being financed. Revenues generated from the technology fee may not be bonded.

Section 6. By December 31, 1999, and annually thereafter, the State Board of Community Colleges shall report on the implementation of this act to the Speaker of the House of Representatives and the President of the Senate.

Section 7. This act shall take effect July 1, 1999.

Approved by the Governor June 8, 1999.

Filed in Office Secretary of State June 8, 1999.