

## Committee Substitute for House Bill No. 245

An act relating to foster care; creating the “Road-to-Independence Act”; amending s. 409.145, F.S.; providing transition to self-sufficiency as a goal for older children who are likely to remain in foster care until 18 years of age; creating s. 409.1451, F.S.; directing the Department of Children and Family Services or its agents to administer a system of independent living transition services; providing for the use of state foster care or federal funds to establish a continuum of independent living transition services; providing for eligibility for the services; providing for services for foster children; specifying the eligibility and services for the pre-independent-living services; specifying the eligibility and services for the life skills services; specifying the eligibility, services, and conditions for the subsidized independent living services; providing for opportunities for participation in life skills activities; providing for services for young adults formerly in foster care; specifying the services and eligibility for the aftercare support services; specifying the services, eligibility, and awards process and conditions for the Road-to-Independence Scholarship Program; specifying the services, eligibility and conditions for the transitional support services; providing for payment directly to a licensed foster family or group care provider with whom a young adult continues to reside; providing that the young adult not be counted in licensing restrictions; providing for an appeals process; providing for department and program accountability; establishing an independent living services integration workgroup; providing workgroup membership and duties; requiring a report; providing department rulemaking authority; amending s. 409.165, F.S.; conforming provisions relating to alternate care for children; amending ss. 239.117, 240.235, and 240.35, F.S., relating to workforce development fees, university fees, and student fees; conforming provisions to changes made by the act with respect to the Road-to-Independence Scholarship; amending s. 409.903, F.S.; specifying that a child who is eligible for certain payments for medical assistance and related services includes a child who has been awarded a Road-to-Independence Scholarship; repealing ss. 409.145(3) and 409.165(4), F.S., relating to services for youth age 18 and older and to the use of state foster care funds to establish a continuum of services and an independent living program; restricting the use of certain funds appropriated to the Department of Children and Family Services for the purpose of funding s. 409.165, F.S., and as provided for in the Road-to-Independence Act pursuant to House Bill 245, or Senate bill 996 or similar legislation passed into law; providing an effective date.

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

Section 1. This act may be cited as the “Road-to-Independence Act.”

Section 2. Paragraph (e) is added to subsection (1) of section 409.145, Florida Statutes, to read:

409.145 Care of children.—

(1) The department shall conduct, supervise, and administer a program for dependent children and their families. The services of the department are to be directed toward the following goals:

(e) The transition to self-sufficiency for older children who continue to be in foster care as adolescents.

Section 3. Section 409.1451, Florida Statutes, is created to read:

409.1451 Independent living transition services.—

(1) SYSTEM OF SERVICES.—

(a) The Department of Children and Family Services or its agents shall administer a system of independent living transition services to enable older children in foster care and young adults who exit foster care at age 18 to make the transition to self-sufficiency as adults.

(b) The goals of independent living transition services are to assist older children in foster care and young adults who were formerly in foster care to obtain life skills and education for independent living and employment, to have a quality of life appropriate for their age, and to assume personal responsibility for becoming self-sufficient adults.

(c) State funds for foster care or federal funds shall be used to establish a continuum of services for eligible children in foster care and eligible young adults who were formerly in foster care which accomplish the goals for the independent living transition services and provide the service components for services for foster children, as provided in subsection (3), and services for young adults who were formerly in foster care, as provided in subsection (5).

(d) For children in foster care, independent living transition services are not an alternative to adoption. Independent living transition services may occur concurrently with continued efforts to locate and achieve placement in adoptive families for older children in foster care.

(2) ELIGIBILITY.—

(a) The department shall serve children who are 13 to 18 years of age and who are in foster care through the program component of services for foster children provided in subsection (3). Children to be served must meet the eligibility requirements set forth for specific services as provided in this section and through department rule.

(b) The department shall serve young adults who are 18 to 23 years of age and who were in foster care when they turned 18 years of age through the program component of services for young adults who were formerly in foster care in subsection (5). Children to be served must meet the eligibility

requirements set forth for specific services in this section and through department rule.

(3) PROGRAM COMPONENT OF SERVICES FOR FOSTER CHILDREN.—The department shall provide the following transition to independence services to children in foster care who meet prescribed conditions and are determined eligible by the department. The service categories available to children in foster care which facilitate successful transition into adulthood are:

(a) Pre-independent-living services.—

1. Pre-independent-living services include, but are not limited to, life skills training, educational field trips, and conferences. The specific services to be provided to a child shall be determined using a pre-independent-living assessment.

2. A child 13 to 15 years of age who is in foster care is eligible for such services.

(b) Life skills services.—

1. Life skills services may include, but are not limited to, independent living skills training, educational support, employment training, and counseling. The specific services to be provided to a child shall be determined using an independent life skills assessment.

2. A child 15 to 18 years of age who is in foster care is eligible for such services.

(c) Subsidized independent living services.—

1. Subsidized independent living services are living arrangements that allow the child to live independently of the daily care and supervision of an adult in a setting that is not required to be licensed under s. 409.175.

2. A child 16 to 18 years of age is eligible for such services if he or she:

a. Is adjudicated dependent under chapter 39; has been placed in licensed out-of-home care for at least 6 months prior to entering subsidized independent living; and has a permanency goal of adoption, independent living, or long-term licensed care; and

b. Is able to demonstrate independent living skills, as determined by the department, using established procedures and assessments.

3. Independent living arrangements established for a child must be part of an overall plan leading to the total independence of the child from the department's supervision. The plan must include, but need not be limited to, a description of the skills of the child and a plan for learning additional identified skills; the behavior that the child has exhibited which indicates an ability to be responsible and a plan for developing additional responsibilities, as appropriate; a plan for future educational, vocational, and training skills; present financial and budgeting capabilities and a plan for improving

resources and ability; a description of the proposed residence; documentation that the child understands the specific consequences of his or her conduct in the independent living program; documentation of proposed services to be provided by the department and other agencies, including the type of service and the nature and frequency of contact; and a plan for maintaining or developing relationships with the family, other adults, friends, and the community, as appropriate.

4. Subsidy payments in an amount established by the department may be made directly to a child under the direct supervision of a caseworker or other responsible adult approved by the department.

(4) PARTICIPATION IN LIFE SKILLS ACTIVITIES.—In order to assist older children in foster care, ages 13 to 18 years of age, with the transition to independent living as adults, the program must provide them with opportunities to participate in and learn from life skills activities in their foster families and communities which are reasonable and appropriate for their age. Such activities may include, but are not limited to, managing money earned from a job, taking driver's education, and participating in after-school or extracurricular activities. To support these opportunities for participation in age-appropriate life skills activities, the department may:

(a) Develop, with children in the program and their foster parents, a list of age-appropriate activities and responsibilities to be presented to all children involved in independent living transition services and their foster parents.

(b) Provide training for staff and foster parents which addresses issues of older children in foster care and the transition to adulthood, including supporting education and employment and providing opportunities to participate in appropriate daily activities.

(c) Develop procedures to maximize the authority of foster parents to approve participation in age-appropriate activities of children in their care.

(d) Provide opportunities for older children in foster care to interact with mentors.

(e) Develop and implement procedures for older children to directly access and manage the personal allowance they receive from the department in order to learn responsibility and participate in age-appropriate life skills activities to the extent feasible.

(5) PROGRAM COMPONENT OF SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER CARE.—Based on the availability of funds, the department shall provide or arrange for the following services to young adults formerly in foster care who meet the prescribed conditions and are determined eligible by the department. The categories of services available to assist a young adult formerly in foster care to achieve independence are:

(a) Aftercare support services.—

1. Aftercare support services include, but are not limited to, referrals to resources in the community for:

- a. Mentoring and tutoring.
- b. Mental health services and substance abuse counseling.
- c. Life skills classes, including credit management and preventive health activities.
- d. Parenting classes.
- e. Job skills training.

The specific services to be provided under this subparagraph shall be determined by an aftercare services assessment. Temporary assistance may be provided to prevent homelessness within the limitations defined by the department.

2. A young adult 18 to 23 years of age who leaves foster care at 18 years of age but who requests services prior to reaching 23 years of age is eligible for such services.

(b) Road-to-Independence Scholarship Program.—

1. The Road-to-Independence Scholarship Program is intended to help eligible students who are former foster children in this state to receive the educational and vocational training needed to achieve independence. The amount of the award shall equal the earnings that the student would have been eligible to earn working a 40-hour-a-week federal minimum wage job, after considering other grants and scholarships that are in excess of the educational institutions' fees and costs, and contingent upon available funds. Students eligible for the Road-to-Independence Scholarship Program may also be eligible for educational fee waivers for workforce development postsecondary programs, community colleges, and universities, pursuant to ss. 239.117(4)(c), 240.235(5)(a), and 240.35(2)(a).

2. A young adult 18 to 21 years of age is eligible for the initial award, and a young adult under 23 years of age is eligible for renewal awards, if he or she:

a. Is a dependent child, pursuant to chapter 39, and is living in licensed foster care or in subsidized independent living at the time of his or her 18th birthday;

b. Has spent at least 6 months living in foster care before reaching his or her 18th birthday;

c. Is a resident of this state as defined in s. 240.404; and

d. Meets one of the following qualifications:

(I) Has earned a standard high school diploma or its equivalent as described in s. 232.246 or s. 229.814, and has been admitted for full-time enrollment in an eligible postsecondary education institution as defined in s. 240.40204;

(II) Is enrolled full time in an accredited high school, is within 2 years of graduation, and has maintained a grade point average of at least 2.0 on a scale of 4.0 for the two semesters preceding the date of his or her 18th birthday; or

(III) Is enrolled full time in an accredited adult education program designed to provide the student with a high school diploma or its equivalent, is making satisfactory progress in that program as certified by the program, and is within 2 years of graduation.

3.a. The department must advertise the availability of the program and must ensure that the children and young adults leaving foster care, foster parents, or family services counselors are informed of the availability of the program and the application procedures.

b. A young adult must apply for the initial award during the 6 months immediately preceding his or her 18th birthday. A young adult who fails to make an initial application, but who otherwise meets the criteria for an initial award, may make one application for the initial award if such application is made before the young adult's 21st birthday.

c. If funding for the program is available, the department shall issue awards from the scholarship program for each young adult who meets all the requirements of the program.

d. An award shall be issued at the time the eligible student reaches 18 years of age.

e. If the award recipient transfers from one eligible institution to another and continues to meet eligibility requirements, the award must be transferred with the recipient.

f. Scholarship funds awarded to any eligible young adult under this program are in addition to any other services provided to the young adult by the department through its independent living transition services.

g. The department shall provide information concerning young adults receiving the Road-to-Independence Scholarship to the Department of Education for inclusion in the student financial assistance database, as provided in s. 240.40401.

h. Scholarship funds shall be terminated when the young adult has attained a bachelor of arts or bachelor of science degree, or equivalent undergraduate degree, or reaches 23 years of age, whichever occurs earlier.

i. The department shall evaluate and renew each award annually during the 90-day period before the young adult's birthday. In order to be eligible for a renewal award for the subsequent year, the young adult must:

(I) Complete at least 12 semester hours or the equivalent in the last academic year in which the young adult earned a scholarship, except for a young adult who meets the requirements of s. 240.4041.

(II) Maintain the cumulative grade point average required by the scholarship program, except that, if the young adult's grades are insufficient to renew the scholarship at any time during the eligibility period, the young adult may restore eligibility by improving the grade point average to the required level.

j. Scholarship funds may be terminated during the interim between an award and the evaluation for a renewal award if the department determines that the award recipient is no longer enrolled in an educational institution as defined in sub-subparagraph 2.d., or is no longer a state resident. The department shall notify a student who is terminated and inform the student of his or her right to appeal.

k. An award recipient who does not qualify for a renewal award or who chooses not to renew the award may subsequently apply for reinstatement. An application for reinstatement must be made before the young adult reaches 23 years of age and a student may not apply for reinstatement more than once. In order to be eligible for reinstatement, the young adult must meet the eligibility criteria and the criteria for award renewal for the scholarship program.

l. A young adult receiving continued services of the foster care program under former s. 409.145(3) must transfer to the scholarship program by July 1, 2003.

(c) Transitional Support Services.—

1. In addition to any services provided through after care support or the Road to Independence scholarship, a young adult formerly in foster care, may receive other appropriate short-term services, which may include financial, housing, counseling, employment, education and other services, if the young adult demonstrates that the services are critical to the young adult's own efforts to achieve self-sufficiency and to develop a personal support system.

2. A young adult formerly in foster care is eligible to apply for transitional support services if he or she is 18 to 23 years of age, was a dependent child pursuant to chapter 39, was living in licensed foster care or in subsidized independent living at the time of his or her 18th birthday, and had spent at least 6 months living in foster care before that date.

(3) If at any time the services are no longer critical to the young adult's own efforts to achieve self-sufficiency and to develop a personal support system, they shall be terminated.

(d) Payment of aftercare, scholarship or transitional support funds shall be made directly to the recipient unless the recipient requests that the payments or a portion of the payments be made directly to a licensed foster family or group care provider with whom the recipient was residing at the time of attaining the 18th birthday and with whom the recipient desires to continue to reside. If a young adult and the former foster parent agree that the young adult shall continue to live in the foster home while receiving

aftercare, scholarship or transitional support funds, the caregiver shall establish written expectations for the young adult's behavior and responsibilities. The young adult who continues with a foster family shall not be included as a child in calculating any licensing restriction on the number of children in the foster home.

(e) Appeals process.—

1. The Department of Children and Family Services shall adopt by rule a procedure by which a young adult may appeal an eligibility determination or the department's failure to provide aftercare, scholarship or transitional support services if such funds are available.

2. The procedure developed by the department must be readily available to young adults and must provide for an appeal to the Secretary of Children and Family Services. The decision of the secretary constitutes final agency action and is reviewable by the court as provided in s. 120.68.

(6) ACCOUNTABILITY.—The department shall develop outcome measures for the program and other performance measures.

(7) INDEPENDENT LIVING SERVICES INTEGRATION WORKGROUP.—The Secretary of Children and Family Services shall establish the independent living services integration workgroup, which, at a minimum, shall include representatives from the Department of Children and Family Services, the Agency for Workforce Innovation, the Department of Education, the Agency for Health Care Administration, the State Youth Advisory Board, Workforce Florida, Inc., and foster parents. The workgroup shall assess barriers to the effective and efficient integration of services and support across systems for the transition of older children in foster care to independent living. The workgroup shall recommend methods to overcome these barriers and shall ensure that the state plan for federal funding for the independent living transition services includes these recommendations. The workgroup shall report to appropriate legislative committees of the Senate and the House of Representatives by December 31, 2002. Specific issues and recommendations to be addressed by the workgroup include:

(a) Enacting the Medicaid provision of the federal Foster Care Independence Act of 1999, Pub. L. No. 106-169, which allows young adults formerly in foster care to receive medical coverage up to 21 years of age.

(b) Extending the age of Medicaid coverage from 21 to 23 years of age for young adults formerly in foster care in order to enable such youth to complete a postsecondary education degree.

(c) Encouraging the regional workforce boards to provide priority employment and support for eligible foster care participants receiving independent living transition services.

(d) Facilitating transfers between schools when changes in foster care placements occur.

(e) Identifying mechanisms to increase the legal authority of foster parents and staff of the department or its agent to provide for the age-



appropriate care of older children in foster care, including enrolling a child in school, signing for a practice driver's license for the child under s. 322.09(4), cosigning loans and insurance for the child, signing for the child's medical treatment, and authorizing other similar activities as appropriate.

(f) Transferring the allowance of spending money that is provided by the department each month directly to an older child in the program through an electronic benefit transfer program. The purpose of the transfer is to allow these children to access and manage the allowance they receive in order to learn responsibility and participate in age-appropriate life skills activities.

(g) Identifying other barriers to normalcy for a child in foster care.

(8) RULEMAKING.—The department shall adopt by rule procedures to administer this section, including provision for the proportional reduction of scholarship awards when adequate funds are not available for all applicants. The department shall engage in appropriate planning to prevent, to the extent possible, a reduction in scholarship awards after issuance.

Section 4. Paragraph (f) of subsection (3) of section 409.165, Florida Statutes, is amended to read:

409.165 Alternate care for children.—

(3) With the written consent of parents, custodians, or guardians, or in accordance with those provisions in chapter 39 that relate to dependent children, the department, under rules properly adopted, may place a child:

(f) In a subsidized ~~an~~ independent living situation, subject to the provisions of s. 409.1451(3)(c) ~~subsection (4)~~,

under such conditions as are determined to be for the best interests or the welfare of the child. Any child placed in an institution or in a family home by the department or its agency may be removed by the department or its agency, and such other disposition may be made as is for the best interest of the child, including transfer of the child to another institution, another home, or the home of the child. Expenditure of funds appropriated for out-of-home care can be used to meet the needs of a child in the child's own home or the home of a relative if the child can be safely served in the child's own home or that of a relative if placement can be avoided by the expenditure of such funds, and if the expenditure of such funds in this manner is calculated by the department to be a potential cost savings.

Section 5. Notwithstanding subsection (7) of section 3 of chapter 2000-321, Laws of Florida, section 239.117, Florida Statutes, shall not stand repealed on January 7, 2003, as scheduled by that law, but that section is reenacted and amended to read:

239.117 Workforce development postsecondary student fees.—

(1) This section applies to students enrolled in workforce development programs who are reported for funding through the Workforce Development

Education Fund, except that college credit fees for the community colleges are governed by s. 240.35.

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

(3) The following students are exempt from any requirement for the payment of registration, matriculation, and laboratory fees for adult basic, adult secondary, or vocational-preparatory instruction:

(a) A student who does not have a high school diploma or its equivalent.

(b) A student who has a high school diploma or its equivalent and who has academic skills at or below the eighth grade level pursuant to state board rule. A student is eligible for this exemption from fees if the student's skills are at or below the eighth grade level as measured by a test administered in the English language and approved by the Department of Education, even if the student has skills above that level when tested in the student's native language.

(4) The following students are exempt from the payment of registration, matriculation, and laboratory fees:

(a) A student enrolled in a dual enrollment or early admission program pursuant to s. 239.241.

(b) A student enrolled in an approved apprenticeship program, as defined in s. 446.021.

(c) A student ~~to for~~ whom the state has awarded a Road-to-Independence Scholarship ~~is paying a foster care board payment pursuant to s. 409.145(3) or pursuant to parts II and III of chapter 39, for whom the permanency planning goal pursuant to part III of chapter 39 is long-term foster care or independent living, or who is adopted from the Department of Children and Family Services after May 5, 1997.~~ Such exemption includes fees associated with enrollment in vocational-preparatory instruction and completion of the college-level communication and computation skills testing program. Such exemption shall be available to any student adopted from the Department of Children and Family Services after May 5, 1997; however, the exemption shall be valid for no more than 4 years after the date of graduation from high school.

(d) A student enrolled in an employment and training program under the welfare transition program. The regional workforce board shall pay the community college or school district for costs incurred for welfare transition program participants.

(e) A student who lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is a public or private shelter designed to provide temporary residence for individuals intended to be institutionalized, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(f) A student who is a proprietor, owner, or worker of a company whose business has been at least 50 percent negatively financially impacted by the buy-out of property around Lake Apopka by the State of Florida. Such a student may receive a fee exemption only if the student has not received compensation because of the buy-out, the student is designated a Florida resident for tuition purposes, pursuant to s. 240.1201, and the student has applied for and been denied financial aid, pursuant to s. 240.404, which would have provided, at a minimum, payment of all student fees. The student is responsible for providing evidence to the postsecondary education institution verifying that the conditions of this paragraph have been met, including support documentation provided by the Department of Revenue. The student must be currently enrolled in, or begin coursework within, a program area by fall semester 2000. The exemption is valid for a period of 4 years from the date that the postsecondary education institution confirms that the conditions of this paragraph have been met.

(5) School districts and community colleges may waive fees for any fee-nonexempt student. The total value of fee waivers granted by the school district or community college may not exceed the amount established annually in the General Appropriations Act. Any student whose fees are waived in excess of the authorized amount may not be reported for state funding purposes. Any school district or community college that waives fees and requests state funding for a student in violation of the provisions of this section shall be penalized at a rate equal to 2 times the value of the full-time student enrollment reported.

(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. 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) 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) 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. 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.

(8) Each school board and community college board of trustees may establish a separate fee for financial aid purposes in 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) The State Board of Education and the State Board of Community Colleges shall adopt rules to allow the deferral of registration and tuition fees for students receiving financial aid from a federal or state assistance program when such aid is delayed in being transmitted to the student through circumstances beyond the control of the student. The failure to make timely application for such aid is an insufficient reason to receive a deferral of fees. The rules must provide for the enforcement and collection or other settlement of delinquent accounts.

(10) Any veteran or other eligible student who receives benefits under chapter 30, chapter 31, chapter 32, chapter 34, or chapter 35 of Title 38, U.S.C., or chapter 106 of Title 10, U.S.C., is entitled to one deferment each academic year and an additional deferment each time there is a delay in the receipt of benefits.

(11) Each school district and community college shall be responsible for collecting all deferred fees. If a school district or community college has not collected a deferred fee, the student may not earn state funding for any course for which the student subsequently registers until the fee has been paid.

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

(13) Each school district and community college shall report only those students who have actually enrolled in instruction provided or supervised by instructional personnel under contract with the district or community college in calculations of actual full-time enrollments for state funding purposes. A student who has been exempted from taking a course or who has been granted academic or vocational credit through means other than actual coursework completed at the granting institution may not be calculated for enrollment in the course from which the student has been exempted or for which the student has been granted credit. School districts and community colleges that report enrollments in violation of this subsection shall be penalized at a rate equal to 2 times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the Workforce Development Education Fund and shall revert to the General Revenue Fund.

(14) School boards and community college boards of trustees may establish scholarship funds using donations. If such funds are established, school boards and community college boards of trustees shall adopt rules that provide for the criteria and methods for awarding scholarships from the fund.

(15) Each school board and community college board of trustees may establish a separate fee for capital improvements, technology enhancements, or equipping buildings which may not exceed 5 percent of the matriculation fee for resident students or 5 percent of the matriculation and tuition fee for nonresident students. Funds collected by community colleges through these fees may be bonded only for the purpose of financing or refinancing new construction and equipment, renovation, or remodeling of educational facilities. The fee shall be collected as a component part of the registration and tuition fees, paid into a separate account, and expended only to construct and equip, maintain, improve, or enhance the certificate career education or adult education facilities of the school district or community college. Projects funded through the use of the capital improvement fee must meet the survey and construction requirements of chapter 235. Pursuant to s. 216.0158, each school board and community college board of trustees shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee. Capital improvement fee revenues may be pledged by a board of trustees as a dedicated revenue source to the repayment of debt, including lease-purchase agreements and revenue bonds, with a term not to exceed 20 years, and not to exceed the useful life of the asset

being financed, only for the new construction and equipment, renovation, or remodeling of educational facilities. Community colleges may use the services of the Division of Bond Finance of the State Board of Administration to issue any bonds authorized through 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 provided by 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. A maximum of 15 cents per credit hour may be allocated from the capital improvement fee for child care centers conducted by the school board or community college board of trustees.

(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 6. Notwithstanding subsection (7) of section 3 of chapter 2000-321, Laws of Florida, section 240.235, Florida Statutes, shall not stand repealed on January 7, 2003, as scheduled by that law, but that section is reenacted and amended to read:

240.235 Fees.—

(1) Each university is authorized to establish separate activity and service, health, and athletic fees. When duly established, the fees shall be collected as component parts of the registration and tuition fees and shall be retained by the university and paid into the separate activity and service, health, and athletic funds.

(a)1. Each university president shall establish a student activity and service fee on the main campus of the university. The university president may also establish a student activity and service fee on any branch campus or center. Any subsequent increase in the activity and service fee must be recommended by an activity and service fee committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the Board of Regents. An increase in the activity and service fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Regents is responsible for promulgating the rules and timetables necessary to implement this fee.

2. The student activity and service fees shall be expended for lawful purposes to benefit the student body in general. This shall include, but shall not be limited to, student publications and grants to duly recognized student organizations, the membership of which is open to all students at the university without regard to race, sex, or religion. The fund may not benefit activities for which an admission fee is charged to students, except for student-government-association-sponsored concerts. The allocation and expenditure of the fund shall be determined by the student government association of the university, except that the president of the university may veto any line item or portion thereof within the budget when submitted by the student government association legislative body. The university president shall have 15

school days from the date of presentation of the budget to act on the allocation and expenditure recommendations, which shall be deemed approved if no action is taken within the 15 school days. If any line item or portion thereof within the budget is vetoed, the student government association legislative body shall within 15 school days make new budget recommendations for expenditure of the vetoed portion of the fund. If the university president vetoes any line item or portion thereof within the new budget revisions, the university president may reallocate by line item that vetoed portion to bond obligations guaranteed by activity and service fees. Unexpended funds and undisbursed funds remaining at the end of a fiscal year shall be carried over and remain in the student activity and service fund and be available for allocation and expenditure during the next fiscal year.

(b) Each university president shall establish a student health fee on the main campus of the university. The university president may also establish a student health fee on any branch campus or center. Any subsequent increase in the health fee must be recommended by a health committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the Board of Regents. An increase in the health fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Regents is responsible for promulgating the rules and timetables necessary to implement this fee.

(c) Each university president shall establish a separate athletic fee on the main campus of the university. The university president may also establish a separate athletic fee on any branch campus or center. The initial aggregate athletic fee at each university shall be equal to, but may be no greater than, the 1982-1983 per-credit-hour activity and service fee contributed to intercollegiate athletics, including women's athletics, as provided by s. 240.533. Concurrently with the establishment of the athletic fee, the activity and service fee shall experience a one-time reduction equal to the initial aggregate athletic fee. Any subsequent increase in the athletic fee must be recommended by an athletic fee committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the Board of Regents. An increase in the athletic fee may occur only once each fiscal year and must be implemented beginning with the fall term. The Board of Regents is responsible for promulgating the rules and timetables necessary to implement this fee.

(2) The university may permit the deferral of registration and tuition fees for those students receiving financial aid from federal or state assistance programs when such aid is delayed in being transmitted to the student



through circumstances beyond the control of the student. Failure to make timely application for such aid shall be insufficient reason to receive such deferral. Veterans and other eligible students receiving benefits under chapter 30, chapter 31, chapter 32, chapter 34, or chapter 35, 38 U.S.C., or chapter 106, 10 U.S.C., shall be entitled to one deferment each academic year and an additional deferment each time there is a delay in the receipt of their benefits.

(3) The Board of Regents shall establish rules to waive any or all application, course registration, and related fees for persons 60 years of age or older who are residents of this state and who attend classes for credit. No academic credit shall be awarded for attendance in classes for which fees are waived under this subsection. This privilege may be granted only on a space-available basis, if such classes are not filled as of the close of registration. A university may limit or deny the privilege for courses which are in programs for which the Board of Regents has established selective admissions criteria. Persons paying full fees and state employees taking courses on a space-available basis shall have priority over those persons whose fees are waived in all cases where classroom spaces are limited.

(4) Students enrolled in a dual enrollment or early admission program pursuant to s. 240.116 shall be exempt from the payment of registration, matriculation, and laboratory fees. Students enrolled in accordance with this subsection may be calculated as the proportional shares of full-time equivalent enrollments each such student generates for state funding purposes.

(5)(a) Any student to ~~for~~ whom the state has awarded a Road-to-Independence Scholarship ~~is paying a foster care board payment pursuant to s. 409.145(3) or parts II and III of chapter 39, for whom the permanency planning goal pursuant to part III of chapter 39 is long-term foster care or independent living,~~ or who is adopted from the Department of Children and Family Services after May 5, 1997, shall be exempt from the payment of all undergraduate fees, including fees associated with enrollment in college-preparatory instruction or completion of college-level communication and computation skills testing programs. Before a fee exemption can be given, the student shall have applied for and been denied financial aid, pursuant to s. 240.404, which would have provided, at a minimum, payment of all undergraduate fees. Such exemption shall be available to any student adopted from the Department of Children and Family Services after May 5, 1997; however, the exemption shall be valid for no more than 4 years after the date of graduation from high school.

(b) Any student qualifying for a fee exemption under this subsection shall receive such an exemption for not more than 4 consecutive years or 8 semesters unless the student is participating in college-preparatory instruction or is requiring additional time to complete the college-level communication and computation skills testing programs. Such a student shall be eligible to receive a fee exemption for a maximum of 5 consecutive years or 10 semesters.

(c) As a condition for continued fee exemption, a student shall have earned a grade point average of at least 2.0 on a 4.0 scale for the previous

term, maintain at least an overall 2.0 average for college work, or have an average below 2.0 for only the previous term and be eligible for continued enrollment in the institution.

(6) Any proprietor, owner, or worker of a company whose business has been at least 50-percent negatively financially impacted by the buyout of property around Lake Apopka by the State of Florida is exempt from the payment of registration, matriculation, and laboratory fees. A student receiving a fee exemption in accordance with this subsection must not have received compensation because of the buyout, must be designated a Florida resident for tuition purposes pursuant to s. 240.1201, and must first have applied for and been denied financial aid, pursuant to s. 240.404, which would have provided, at a minimum, payment of all student fees. The student is responsible for providing evidence to the postsecondary education institution verifying that the conditions of this subsection have been met, including support documentation provided by the Department of Revenue. The student must be currently enrolled in, or begin coursework within, a program area by fall semester 2000. The exemption is valid for a period of 4 years from the date that the postsecondary education institution confirms that the conditions of this subsection have been met.

(7) Each university may assess a service charge for the payment of tuition and fees in installments. Such service charge must be approved by the Board of Regents. The revenues from such service charges shall be deposited into a student fee trust fund the Legislature has established and assigned to the university for that purpose.

(8) Any graduate student enrolled in a state-approved school psychology training program shall be entitled to a waiver of registration fees for internship credit hours applicable to an internship in the public school system under the supervision of a Department of Education certified school psychologist employed by the school system.

(9) The Board of Regents shall exempt one-half of all tuition and course-related fees for certain members of the active Florida National Guard pursuant to the provisions of s. 250.10(8).

(10) The Board of Regents may establish rules to allow for the waiver of out-of-state fees for nondegree-seeking students enrolled at State University System institutions if the earned student credit hours generated by such students are nonfundable and the direct cost for the program of study is recovered from the fees charged to all students.

(11) Students who are enrolled in Programs in Medical Sciences are considered graduate students for the purpose of enrollment and student fees.

Section 7. Notwithstanding subsection (7) of section 3 of chapter 2000-321, Laws of Florida, section 240.35, Florida Statutes, shall not stand repealed on January 7, 2003, as scheduled by that law, but that section, as amended by section 8 of chapter 2001-254, Laws of Florida, and section 12 of chapter 2001-254, Laws of Florida, is reenacted and amended 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.

(1) The State Board of Community Colleges shall establish the matriculation and tuition fees for college-preparatory instruction and for credit instruction which may be counted toward an associate in arts degree, an associate in applied science degree, or an associate in science degree.

(2)(a) Any student to ~~for~~ whom the state has awarded the Road-to-Independence Scholarship ~~is paying a foster care board payment pursuant to s. 409.145(3) or parts II and III of chapter 39, for whom the permanency planning goal pursuant to part III of chapter 39 is long-term foster care or independent living,~~ or who is adopted from the Department of Children and Family Services after May 5, 1997, shall be exempt from the payment of all undergraduate fees, including fees associated with enrollment in college-preparatory instruction or completion of the college-level communication and computation skills testing program. Before a fee exemption can be given, the student shall have applied for and been denied financial aid, pursuant to s. 240.404, which would have provided, at a minimum, payment of all student fees. Such exemption shall be available to any student adopted from the Department of Children and Family Services after May 5, 1997; however, the exemption shall be valid for no more than 4 years after the date of graduation from high school.

(b) Any student qualifying for a fee exemption under this subsection shall receive such an exemption for not more than 2 consecutive years or 4 semesters, unless the student is participating in college-preparatory instruction or requires additional time to complete the college-level communication and computation skills testing program. Such a student is eligible to receive a fee exemption for a maximum of 3 consecutive years or 6 semesters.

(c) As a condition for continued fee exemption, a student shall earn a grade point average of at least 2.0 on a 4.0 scale for the previous term, maintain at least an overall 2.0 average for college work, or have an average below 2.0 for only the previous term and be eligible for continued enrollment in the institution.

(3) Students enrolled in dual enrollment and early admission programs under s. 240.116 and students enrolled in employment and training programs under the welfare transition program are exempt from the payment of registration, matriculation, and laboratory fees; however, such students may not be included within calculations of fee-waived enrollments. The regional workforce board shall pay the community college for costs incurred by that participant related to that person's classes or program. Other fee-exempt instruction provided under this subsection generates an additional one-fourth full-time equivalent enrollment.

(4) Any proprietor, owner, or worker of a company whose business has been at least 50-percent negatively financially impacted by the buyout of property around Lake Apopka by the State of Florida is exempt from the

payment of registration, matriculation, and laboratory fees. A student receiving a fee exemption in accordance with this subsection must not have received compensation because of the buyout, must be designated a Florida resident for tuition purposes pursuant to s. 240.1201, and must first have applied for and been denied financial aid, pursuant to s. 240.404, which would have provided, at a minimum, payment of all student fees. The student is responsible for providing evidence to the postsecondary education institution verifying that the conditions of this subsection have been met, including support documentation provided by the Department of Revenue. The student must be currently enrolled in, or begin coursework within, a program area by fall semester 2000. The exemption is valid for a period of 4 years from the date that the postsecondary education institution confirms that the conditions of this subsection have been met.

(5)(a) Fees shall be waived for certain members of the active Florida National Guard pursuant to s. 250.10(8).

(b) Community colleges may waive fees for any fee-nonexempt student. A student whose fees are waived in excess of the amount authorized annually in the General Appropriations Act may not be included in calculations of full-time equivalent enrollments for state funding purposes. Any community college that waives fees and requests state funding for a student in violation of the provisions of this subsection shall be penalized at a rate equal to two times the value of the full-time equivalent student enrollment reported served. Such penalty shall be charged against the following year's allocation from the Community College Program Fund.

(6) 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 in an appropriations act, the fee schedule shall take effect the subsequent fall semester.

(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 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.

(8) The sum of nonresident student matriculation and tuition fees must be sufficient to defray the full cost of each program. The annual fee increases for nonresident students established by the board, in the absence of legislative action to the contrary in an appropriations act, may not exceed 25 percent.

(9) The State Board of Community Colleges shall adopt a rule specifying the definitions and procedures to be used in the calculation of the percentage of cost paid by students. The rule must provide for the calculation of the full cost of educational programs based on the allocation of all funds provided through the general current fund to programs of instruction, and other activities as provided in the annual expenditure analysis. The rule shall be developed in consultation with the Legislature.

(10) Each community college district board of trustees may establish a separate activity and service fee not to exceed 10 percent of the matriculation fee, according to rules of the State Board of Education. The student activity and service fee shall be collected as a component part of the registration and tuition fees. The student activity and service fees shall be paid into a student activity and service fund at the community college and shall be expended for lawful purposes to benefit the student body in general. These purposes include, but are not limited to, student publications and grants to duly recognized student organizations, the membership of which is open to all students at the community college without regard to race, sex, or religion.

(11)(a) Each community college is authorized to establish a separate fee 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.

(b) All funds collected under this program shall be placed in the loan and endowment fund or scholarship fund of the college, by whatever name known. Such funds shall be disbursed to students as quickly as possible. An amount not greater than 40 percent of the fees collected in a fiscal year may be carried forward unexpended to the following fiscal year. However, funds collected prior to July 1, 1989, and placed in an endowment fund may not be considered part of the balance of funds carried forward unexpended to the following fiscal year.

(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) 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.

(d) These funds may not be used for direct or indirect administrative purposes or salaries.

(12) Any community college that reports students who have not paid fees in an approved manner in calculations of full-time equivalent enrollments for state funding purposes shall be penalized at a rate equal to two times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the Community College Program Fund and shall revert to the General Revenue Fund. The State Board of Education shall specify, as necessary, by rule, approved methods of student fee payment. Such methods shall include, but not be limited to, student fee payment; payment through federal, state, or institutional financial aid; and employer fee payments. A community college may not charge any fee except as authorized by law or rules of the State Board of Education.

(13) Each community college shall report only those students who have actually enrolled in instruction provided or supervised by instructional personnel under contract with the community college in calculations of actual full-time equivalent enrollments for state funding purposes. No student who has been exempted from taking a course or who has been granted academic or vocational credit through means other than actual coursework completed at the granting institution shall be calculated for enrollment in the course from which he or she has been exempted or granted credit. Community colleges that report enrollments in violation of this subsection shall be penalized at a rate equal to two times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the Community College Program Fund and shall revert to the General Revenue Fund.

(14) Each community college board of trustees may establish a separate fee for capital improvements, technology enhancements, or equipping student buildings which may not exceed \$1 per credit hour or credit-hour equivalent for residents and which equals or exceeds \$3 per credit hour for nonresidents. Funds collected by community colleges through these fees may be bonded only for the purpose of financing or refinancing new construction and equipment, renovation, or remodeling of educational facilities. The fee shall be collected as a component part of the registration and tuition fees, paid into a separate account, and expended only to construct and equip, maintain, improve, or enhance the educational facilities of the community college. Projects funded through the use of the capital improvement fee shall meet the survey and construction requirements of chapter 235. Pursuant to s. 216.0158, each community college shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee. Capital improvement fee revenues may be pledged by a board of trustees as a dedicated revenue source to the repayment of debt, including lease-purchase agreements and revenue bonds, with a term not to exceed 20 years, and not to exceed the useful life of the asset being financed, only for the new construction and equipment, renovation, or remodeling of educational facilities. Community colleges may use the services of the Division of Bond Finance of the State Board of Administration to issue any bonds authorized through 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 provided by 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. A maximum of 15 cents per credit hour may be allocated from the capital improvement fee for child care centers conducted by the community college.

(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.

(17) Each community college is authorized to grant student fee exemptions from all fees adopted by the State Board of Community Colleges and the community college board of trustees for up to 40 full-time equivalent students at each institution.

Section 8. Subsection (4) of section 409.903, Florida Statutes, is amended to read:

409.903 Mandatory payments for eligible persons.—The agency shall make payments for medical assistance and related services on behalf of the following persons who the department, or the Social Security Administration by contract with the Department of Children and Family Services, determines to be eligible, subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(4) A child who is eligible under Title IV-E of the Social Security Act for subsidized board payments, foster care, or adoption subsidies, and a child for whom the state has assumed temporary or permanent responsibility and who does not qualify for Title IV-E assistance but is in foster care, shelter or emergency shelter care, or subsidized adoption. This category includes a child who was eligible under Title IV-E of the Social Security Act for foster care or the state-provided foster care, who exited foster care due to attaining the age of 18 years, and who has been awarded a Road-to-Independence Scholarship.

Section 9. Subsection (3) of section 409.145, Florida Statutes, and subsection (4) of section 409.165, Florida Statutes, are repealed.

Section 10. Pursuant to the General Appropriations Acts for the 2002-2003 and 2003-2004 fiscal years, funds appropriated for the purpose of



funding s. 409.165, Florida Statutes, and as provided for in the Road-to-Independence Act pursuant to House Bill 245, or Senate Bill 996 or similar legislation passed into law, shall be used only for expanding services to foster care children 13 years of age and older, and young adults formerly in foster care 18 to 23 years of age. The Department of Children and Family Services shall not use funds identified for s. 409.165, Florida Statutes, as provided for in the Road-to-Independence Act pursuant to House Bill 245, or Senate Bill 996 or similar legislation passed into law, for any other purpose and is prohibited from supplanting other department programs with these funds.

Section 11. This act shall take effect October 1, 2002.

Approved by the Governor April 11, 2002.

Filed in Office Secretary of State April 11, 2002.