

Senate Bill No. 670

An act relating to community colleges; amending s. 1009.23, F.S.; revising provisions relating to the fee for capital improvements, technology enhancements, or equipping student buildings and the use thereof; providing requirements for the issuance and validation of bonds; revising provisions relating to the allocation for child care centers; providing an effective date.

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

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

1009.23 Community college student fees.—

(11)(a) Each community college board of trustees may establish a separate fee for capital improvements, technology enhancements, or equipping student buildings which may not exceed 10 percent of tuition for resident students or 10 percent of the sum of tuition and out-of-state fees for nonresident students. The fee for resident students shall be limited to an increase of \$2 per credit hour over the prior year \$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 as provided in this subsection 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 tuition and 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 1013. 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.

(b) 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 with an overall term, including renewals, extensions, and refundings, of not more than 7 years and revenue bonds, with a term not to exceed 20 annual maturities years, and not to exceed the useful life of the asset being financed, only for financing or refinancing of 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 shall be. Any such bonds issued by the Division of Bond Finance upon the request of the community college board of trustees shall be in compliance with the provisions of s. 11(d), Art. VII of the State Constitution and the State Bond Act. The Division of Bond Finance may pledge fees collected by one or more community colleges to secure such bonds. Any project included in the approved educational plant

survey pursuant to chapter 1013 is approved pursuant to s. 11(d), Art. VII of the State Constitution.

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

(d) Any validation of the bonds issued pursuant to the State Bond Act shall be validated in the manner provided by chapter 75. Only the initial series of bonds is required to be validated. 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.

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

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

Approved by the Governor June 17, 2005.

Filed in Office Secretary of State June 17, 2005.