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

21
22 Be It Enacted by the Legislature of the State of Florida:

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

26 1009.22 Workforce education postsecondary student fees.—
27 (6) (a) Each district school board and community college
28 board of trustees may establish a separate fee for capital

29 improvements, technology enhancements, or equipping buildings
30 which may not exceed 5 percent of tuition for resident students
31 or 5 percent of tuition and out-of-state fees for nonresident
32 students. Funds collected by community colleges through the fee
33 may be bonded only for the purpose of financing or refinancing
34 new construction and equipment, renovation, or remodeling of
35 educational facilities. The fee shall be collected as a
36 component part of the tuition and fees, paid into a separate
37 account, and expended only to construct and equip, maintain,
38 improve, or enhance the certificate career education or adult
39 education facilities of the school district or community
40 college. Projects and acquisitions of improved real property
41 funded through the use of the capital improvement fee must meet
42 the survey and construction requirements of chapter 1013.
43 Pursuant to s. 216.0158, each district school board and
44 community college board of trustees shall identify each project,
45 including maintenance projects, proposed to be funded in whole
46 or in part by such fee. Capital improvement fee revenues may be
47 pledged by a board of trustees as a dedicated revenue source to
48 the repayment of debt, including lease-purchase agreements, with
49 an overall term of not more than 7 years, including renewals,
50 extensions, and refundings, and revenue bonds with a term not
51 exceeding 20 years and not exceeding the useful life of the
52 asset being financed, only for the new construction and
53 equipment, renovation, or remodeling of educational facilities.
54 Bonds authorized pursuant to this paragraph shall be requested
55 by the community college board of trustees and shall be issued
56 by the Division of Bond Finance in compliance with s. 11(d),

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

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

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

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

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

97 1009.23 Community college student fees.—

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

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113 property funded through the use of the capital improvement fee
114 shall meet the survey and construction requirements of chapter
115 1013. Pursuant to s. 216.0158, each community college shall
116 identify each project, including maintenance projects, proposed
117 to be funded in whole or in part by such fee.

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

135 (c) Bonds issued pursuant to this subsection may be
136 validated in the manner provided by chapter 75. Only the initial
137 series of bonds is required to be validated. The complaint for
138 such validation shall be filed in the circuit court of the
139 county where the seat of state government is situated, the
140 notice required to be published by s. 75.06 shall be published

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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.

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

(e)~~(d)~~ A maximum of 15 percent 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.

(f)~~(e)~~ 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.

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