

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Ensure lower taxes – The bill authorizes each community college board of trustees to establish a transportation access fee.

B. EFFECT OF PROPOSED CHANGES:

Background

Current law¹ expressly prohibits a community college from charging any fee except as authorized by law or rule of the State Board of Education. Each community college board of trustees has specific statutory authority to establish tuition and out-of-state fees within certain parameters; an activity and service fee; a financial aid fee; a technology fee; and a separate fee for capital improvement, technology enhancements and equipping student buildings. In addition, each community college board of trustees has specific statutory authority 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.

Auditor General Report No. 03-010 *Florida Community College System Student Fees and Fines Operational Audit* includes the following finding and recommendation regarding fines assessed by community colleges:

Fines are not established to recover cost; rather, fines are assessed as penalties to deter certain behaviors. Different colleges assessed fines in varying amounts for the same offense. Language in [Section 1009.23(12)], Florida Statutes, should be revised to delete the requirement that fines not exceed the cost of services and to address fines as assessments to deter certain behaviors.²

Effect of Proposed Changes

CS/HB 207 authorizes each community college board of trustees to establish a transportation access fee. The purpose of the transportation access fee is to provide or improve access to transportation services for students enrolled in the community college. The fee may not exceed \$2 per credit hour. Increases to the fee are limited to once each fiscal year and must be implemented beginning with the fall term.

¹ Section 1009.23, F.S.

² Auditor General, *Florida Community College System Student Fees and Fines Operation Audit*, Report No. 03-010, July 2002

The transportation access fee may impact the cost to the State for the Bright Futures Scholarship Program. According to the Department of Education, the Bright Futures Scholarship Program covers a fee only if it is assessed to all students at the institution.³

CS/HB 207 also removes the requirement that fines not exceed the cost of the services provided and only be charged to persons receiving the services.

C. SECTION DIRECTORY:

Section 1. Amends s. 1009.23, F.S., allowing fines to exceed the cost of services provided and to apply to persons other than those receiving specified services; authorizing community college boards of trustees to establish a transportation access fee; limiting the amount of the fee; providing a timeframe for a fee increase and implementation of an increase.

Section 2. Provides an effective date of July 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See FISCAL COMMENTS.

2. Expenditures:

See FISCAL COMMENTS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See FISCAL COMMENTS.

2. Expenditures:

See FISCAL COMMENTS.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See FISCAL COMMENTS.

D. FISCAL COMMENTS:

The fiscal impact is indeterminate because community college boards of trustees are authorized, not required, to assess the fee. To the extent a community college board of trustees chooses to establish a transportation fee, the cost to a student attending the community college may increase. To the extent that the fee is assessed to all students at the community college, the fee would be covered by the Bright Futures Scholarship Program and the cost to the State for that program would increase.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

³ Conversation with Florida Department of Education Staff on March 6, 2007.

This bill does not appear to require a city or county to expend funds or to take any action requiring the expenditure of funds

The bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not appear to reduce the percentage of state tax shared with counties or municipalities

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

D. STATEMENT OF THE SPONSOR

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On April 4, 2007, the Schools & Learning Council adopted an amendment to HB 207 and reported the bill favorably with a Council Substitute.

CS/HB 207 differs from the original bill in the following ways:

- It authorizes a transportation access fee to provide or improve access to transportation services for students enrolled in the community college.
- It limits the transportation access fee to no more than \$2 per credit hour.
- It limits fee increases to once per year beginning with the fall term.