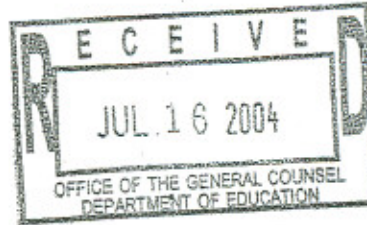


JAMES E. "JIM" KING, JR.
President



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Senator Nancy Argenziano
Senator Gwen Margolis
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THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**



JOHNNIE BYRD
Speaker



F. SCOTT BOYD
EXECUTIVE DIRECTOR
AND GENERAL COUNSEL
Room 120, Holland Building
Tallahassee, Florida 32399-1300
Telephone (850) 488-9110

July 14, 2004

Daniel Woodring, Esq.
General Counsel
Florida Department of Education
325 W. Gaines Street
Tallahassee, Florida 32399

RE: Student Fees Proposed by University Boards of Trustees

Dear Mr. Woodring:

The boards of trustees of the University of Florida and the University of South Florida each have proposed a mandatory foreign student fee of \$50 per semester intended to recover the administrative costs of complying with certain federal requirements. University of Florida rule 6C1-2.012(5) was noticed on March 15, 2004. University of South Florida rule 6C4-4.0107(1)(d) was noticed on May 22, 2004. In addition to the foreign student fee, the University of South Florida has proposed an optional late graduation fee of \$50 (6C4-4.0107(1)(w)). Copies of the proposed rules are attached for your information.

Based on our preliminary review, the proposed student fees do not appear to be authorized by the statutes cited as specific authority and law implemented. We bring this issue to your attention because the Board of Governors by resolution has adopted the substance of these statutes in establishing the duties and responsibilities of the university boards of trustees. We also note that the proposed fees do not appear to be among the approved fees listed in rule 6C-7.003, adopted by resolution of the Board of Governors.

Please contact our office if we may provide additional information.

Sincerely,

Handwritten signature of Jesslyn A. Krouskroup in cursive.
Jesslyn A. Krouskroup
Chief Attorney

Attachments

RULES OF
UNIVERSITY OF FLORIDA

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6C1-2.012 University of Florida; Use of University Facilities and Services; Charges Fees
for Use and Admissions Charges.

(1) Fees for use of University facilities, including the use of outdoor areas as permitted under Rule 6C1-2.005, F.A.C., shall be charged as follows:

(a) Fees shall be charged to non-university groups, organizations and persons for the use of University facilities. The fees shall be set by the authority controlling the facility and approved by the President or the President's designee. Any additional services required by the user will be billed separately to the user by the department performing the service.

(b) University groups, organizations or persons and University affiliated persons, organizations, and groups shall be charged for the direct cost of services they require in the use of University facilities.

(2) Borrowing fees shall be charged for University of Florida libraries users who have no University of Florida affiliation.

(a) The fee shall be \$40.00 for four months or \$100.00 for one year for the general public. Members of the University of Florida Alumni Association or the Howe Society (the Friends of the University of Florida Libraries Special Collections) shall pay \$30.00 for four months or \$75.00 for one year.

(b) Individuals paying this fee will be entitled to borrow up to ten items for a 3-week loan period, but shall not be entitled to remote access to databases licensed by the Libraries or the use of interlibrary loan.

(3) The President or designee shall have the authority to waive or reduce any fee authorized under subsections (1) and (2) of this rule if the President or designee determines that such action furthers specific University program(s) and the University's mission.

(4) Photographic reproductions (negatives, slides, and prints) of materials owned by the University of Florida Libraries are made only upon payment of the appropriate fee. The requestor must obtain all necessary permissions for the copying, including copyright permissions, and must indemnify the University of Florida for any claims arising from the reproduction. The "George A. Smathers Libraries, University of Florida Reproduction and Use of Images Fee Schedule" (5-01) and "George A. Smathers Libraries, University of Florida Policy on Reproduction and Use of Images" (5-01), which must be signed by the requestor, are incorporated by reference and can be obtained from the George A. Smathers Libraries.

(5) Certificate of eligibility processing and enrollment status verification fee – A charge of \$50.00 shall be assessed in each fall and spring semester to a student requiring processing of a certificate of eligibility for F-1 or J-1 student status and enrollment status verification services.

~~(65)~~ Admission Charges.

(a) Student groups and organizations permitted to use University facilities may charge an admission fee or provide for voluntary contributions only pursuant to Rule 6C1-4.006, F.A.C.:

(b) Except pursuant to a contract with the University, other groups, organizations, and persons permitted to use University facilities may charge an admission fee or provide for a voluntary contribution under the following conditions:

1. The fee or contributions are in an amount that covers the costs of the event only, or
2. The net proceeds are for a charitable institution or organization as defined in

§501(c)(3) of the Internal Revenue Code of the United States.

3. A financial accounting is required to be made to the University in the case of either subparagraph 1. or 2. above.

(c) Fees and contributions may not be collected by groups, organizations or persons allowed to use instructional space.

Specific Authority 1001.74(4) FS.

Law Implemented 1001.74(6), 1009.24(12)(m) FS.

History--New 9-29-75, Formerly 6C1-2.12, Amended 6-28-98, 6-24-99, 7-8-01, 3-12-03,

6C4-4.0107 Special Fees, Fines and Penalties

(1) The Board of Trustees, hereinafter referred to as the "Board," must authorize all fees assessed by the University of South Florida, hereinafter referred to as the "University." For purposes of clarification, the term "at cost" or "cost" as used in this rule includes those increased costs that are directly related to the delivery of the goods or services. All special fees, fines and penalties collected by the University shall be allocated to the appropriate account as required by Section 1009.24, Florida Statutes or Board Rule. The Board hereby authorizes the following fees:

(a e) **Application Fee** – Individuals who make application for admission to the University shall pay a non-refundable Application Fee of \$30.00. This fee will be waived for applicants who can document that they have received a fee waiver because of economic need as determined by the College Board or the American College Testing Program.

(b) Admissions Deposit Fee – Effective with the fall semester, 2005, all applicants to undergraduate degree programs will be assessed a \$200.00 Admissions Deposit fee. The Admissions Deposit fee shall be imposed at the time of the applicant's acceptance to the University and shall be applied toward the applicant's tuition upon enrollment. The Admissions Deposit fee is non-refundable in the event the applicant fails to enroll. Requests to waive the Admissions Deposit fee, based on financial hardship, will be reviewed by an Appeals Review Committee.

(c a) **Audit Registration Fees** – Audit registration assures a course space for the student, however, no grade is awarded. This fee is the same as the Resident tuition provided in Rule 6C4-4.0102, F.A.C. Depositing of fee proceeds shall be the same as that provided for tuition.

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(d) International Student Administrative Charge - An International Student Administrative Charge shall be assessed each semester to foreign students enrolled at the University who are not currently U.S. Citizens or Permanent Residents of the United States. This charge, in the sum of \$50.00 per semester, shall be assessed only to those students who receive the services of the Office of the International Student and Scholar Services (ISSS). The funds generated by this charge will be used to offset the costs of compliance with the requirements of the Student and Exchange Visitor Information System (SEVIS). The charge will be assessed for both fall and spring semesters, but only once for any summer enrollments for a maximum total charge of \$150.00 per calendar year.

(e) **Registration of Zero Hours** – Such registration provides for examinations, graduations, use of facilities, etc., when deemed appropriate by the institution. The student is assessed Resident tuition for one credit hour. The Zero Credit Fee shall be distributed in the same manner as tuition.

(f) **Late Registration Fee** – A Late Registration Fee shall be assessed against students who fail to initiate registration in the regular registration period. The fee shall be \$100.

(g) **Late Payment Fee** – A Late Payment Fee will be assessed to students who fail to pay, or make appropriate arrangements for payment (installment payment, deferment, or third-party billing), of tuition by the deadline set by the University, which shall be no later than the end of the second week of classes. The fee shall be \$100. Provisions will be made to waive the Late Payment Fee for minor underpayment as specified by the University and as outlined in Rule 6C4-4.0101, F.A.C.

(h) **Health Fee** – The student Health Fees shall be established pursuant to Subsections 1009.24(3), 1009.24(8) and 1009.24(10), Florida Statutes and are set forth in Rule 6C4-4.0102, F.A.C. The President of the University, hereinafter referred to as the “President,” shall submit requests to change the student Health Fee, to be effective the following fall semester, to the

Board for approval at the first Board meeting of the calendar year. In addition, the President, or his or her designee, will assess miscellaneous health-related charges for services provided at cost by the health center which are not covered by the Health Fee.

(i g) **Athletic Fee** – The Athletic Fee shall be established pursuant to Subsections 1009.24(3), 1009.24(8), and 1009.24(11), Florida Statutes and are set forth in Rule 6C4-4.0102, F.A.C. The President shall submit requests to change the Athletic Fee, to be effective the following fall semester, to the Board for approval at the first Board meeting of the calendar year.

(j h) **Activity and Service Fee** – The Activity and Service Fees are established pursuant to Subsections 1009.24(3), 1009.24(8) and 1009.24(9)(a),(b), Florida Statutes and are set forth in Rule 6C4-4.0102, F.A.C. The President shall submit requests to change the Activity and Service Fee, to be effective the following fall semester, to the Board for approval at the first Board meeting of the calendar year.

(k i) Library Fees:	Amount
1. Overdue fine per book or unit, per day	\$.25
2. Overdue fine on reserve item, per hour	\$.25
3. Overdue fine for Interlibrary loan item, per day	Cost
4. Overdue library equipment fee, per hour	\$1.00
5. Duplicating/Photocopying fee for personal use only, per copy	Cost
6. Binding fee, Theses and Dissertations	Cost
7. Loss or damage of library material	Cost plus processing fee
8. Loss or damage of library equipment	Cost plus processing fee
(l j) Late Equipment Fee, Physical Education – per item, per day	\$.25
(m k) Security/Access/ Identification Card, Duplicate Security/	

Access/ Identification Card, Fee Card, or Passbook:

1. One time fee	\$10.00
2. Duplicates	\$10.00
(n †) Standardized Tests – the fee for all standardized tests, (GRE, URE, etc.) will consist of the direct costs of administering the tests.	Cost
(o m) Microfilm Fee – Thesis and Dissertation	Cost
(p n) Copyright Fee – Dissertation	Cost
(q e) Thesis and Dissertation Processing Fee	Cost
(r p) Lost Keys (includes cylinder change)	Cost
(s e) Facilities/Equipment Use Charge	Cost
(t †) Orientation Fee	\$35.00
(u s) Transcript Fee, Per item	\$8.00
(v †) Diploma Replacement Fee, Per item	\$5.00
<u>(w) Optional Late Graduation Application Fee</u>	<u>\$50.00</u>

(x †) **Marshall Center Use Fee** – All students who enroll at the University of South Florida, Tampa Campus shall pay a non-refundable flat fee of \$20.00 per semester and an additional \$1.50 per credit hour fee to facilitate the use of student union facilities.

(y †) **Off-Campus Educational Course Offerings Activities** – Fees will be charged for off-campus course offerings when the location results in specific, identifiable increased costs to the University. These fees will be in addition to the regular Student Credit Hour fees charged to students enrolling in these courses on-campus. The additional fees charged are for the purpose of recovering the increased costs resulting from off-campus vis-a-vis on-campus offerings. As used herein, “off-campus” refers to locations other than regular state-funded main campuses,

branch campuses, or centers. The University shall use the additional fees collected to cover the increased cost of these courses.

(zw) **Material and Supply Fees** – Material and Supply Fees will be charged, but will not exceed the amount necessary to offset the cost of materials or supply items which are consumed in the course of the student's instructional activities, excluding the cost of equipment and equipment repairs and maintenance.

(aa) **Housing Rental Rates** – Basic rates for housing rental shall be set by the Board. The President shall submit requests to change the basic rates for housing rental, to be effective the following fall semester, to the Board for approval at the first Board meeting of the calendar year. Current housing rental rates are found in the Residence Services brochure: "Live the Campus Life" (Rev. 12/2002). Copies of the brochure may be obtained from the University of South Florida Department of Residence Services, Division of Student Affairs.

(bb y) **Parking Fines and Decals** – A schedule of parking fines and a charge for parking decals, are set forth in Rule 6C4-4.0023, F.A.C and the referenced, "Parking at the University of South Florida" brochures.

(cc z) **Transportation Access Fee** – Pursuant to the University's authorization to adopt by rule a transportation access fee, with appropriate input from students, to support the University's transportation infrastructure and to increase student access to transportation services, a transportation access fee set in the sum of \$2.25 per credit hour, shall be charged, commencing with the fall term, 2003.

(dd aa) **Returned Check Fee** – The University shall assess a service charge as authorized by Subsection 832.07(1), Florida Statutes, for unpaid checks returned to the University.

2004 REVISIONS TO 6C4-4.0107

(~~cc~~ ~~bb~~) **Collection Costs** – The University will assess a charge representing reasonable cost of collection efforts to effect payment for overdue accounts. Collection costs will be assessed to the student for collection of debts owed the University not secured by a promissory note or contract.

(~~ff~~ ~~ee~~) **Educational Research Center for Child Development Fee** – The Center shall submit a request to establish or change child care and service fees to the President, who shall make a recommendation to the Board by November 1, of each year, to become effective the subsequent fall semester. Current fees are posted on the Center website:

<http://www.coedu.usf.edu\clar\erccd.htm>.

(2) The Board will establish additional fees in order to meet specific higher education needs identified by the University of the State when special circumstances result in specific, identifiable increased costs to a University. These fees will be in addition to the regular on-campus Student Credit Hour and other fees charged to students enrolling at the University in these courses on-campus. The additional fees charged shall be sufficient to recover all increased costs. ~~The University shall use the additional fees collected to cover the increased cost of these courses.~~

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Specific Authority 1001.74(4),(6),(11)FS. Law Implemented 1001.74(11); 1009.24; 1009.26; 832.07(1) FS., ~~CS/CS/HB 1567, 2000 Legislative Session. History—New 8/31/03; Amended~~

NAME OF PERSON ORIGINATING PROPOSED RULE REVISION:

Harold Nixon, V.P., Student Affairs

NAME OF SUPERVISOR OR PERSON WHO APPROVED PROPOSED RULE REVISION:

Carl Carlucci, Executive Vice President

DATE PROPOSED RULE REVISION APPROVED BY AGENCY HEAD: May 20, 2004