

STATE OF FLORIDA  
BOARD OF GOVERNORS

SOPHIE CROISY and GRADUATE  
ASSISTANTS UNITED, University of  
Florida Chapter, UNITED FACULTY  
OF FLORIDA;

Petitioners,

vs.

Case No. \_\_\_\_\_

UNIVERSITY OF FLORIDA  
BOARD OF TRUSTEES

Respondent.  
\_\_\_\_\_ /

**PETITION TO INVALIDATE UNPROMULGATED RULE  
AND UNLAWFUL INTERNATIONAL STUDENT FEE**

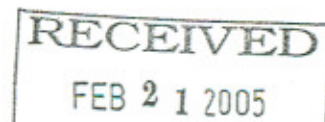
Petitioners, Sophie Croisy and the University of Florida Chapter of Graduate Assistants United (hereinafter referred to as "UF-GAU") petition the Board of Governors, pursuant to Article IX § 7, of the Florida Constitution to invalidate an unpromulgated rule and unlawful fee imposed by the Respondent. In support hereof it is alleged as follows:

**A. Jurisdiction**

The Board of Governors has jurisdiction over this matter pursuant to Article IX, § 7 of the Florida Constitution, as it has been charged with governance of the state university system in Florida.

**B. Standing**

1. Sophie Croisy is an international student enrolled at the University of Florida who has been unlawfully assessed the "international student fee" that is in dispute in this case. Ms. Croisy is a member of the UF-GAU and Chair of its section on International Issues. The



unpromulgated rule in this case is a statement of general applicability and affects the substantial interests of Ms. Croisy, as she has been assessed the fee since it was first instituted in 2002.

2. The UF-GAU is a professional association and the certified bargaining agent for graduate assistants at the University of Florida. UF-GAU represents its members in employment matters including wages and hours and other terms and conditions of employment and as such, is a “person” within the meaning of Section 120.52(13), Florida Statutes (2003). UF-GAU represents approximately 3,900 graduate assistants and teaching assistants employed by the University of Florida, approximately 44% of whom are international students subject to the unlawful fee at issue in this case. Tuition and fees are considered to be terms and conditions of graduate assistants’ employment. The unpromulgated rule in this case is a statement of general applicability and affects the substantial interests of all UF-GAU members who are also international students.

3. Respondent, University of Florida Board of Trustees (hereinafter referred to as the “University”), has been deemed an agency pursuant to Section 120.52, Florida Statutes by the Board of Governors and must conform to the rulemaking requirements set forth in Sections 120.536(1) and 120.54, Florida Statutes. (See January 7, 2003 Resolution of the Board of Governors, a copy of which is attached hereto and incorporated herein as **Exhibit A.**) Respondent has an unpromulgated rule requiring all international students enrolled at the University of Florida to pay a fee in the amount of \$50 per academic semester, above and beyond those fees assessed on all students in the general population. Petitioners are therefore, substantially affected by this unpromulgated rule.

C. The Fee

1. The fee being challenged in this case is a mandatory \$50 per semester fee assessed on all international students attending the University of Florida. The international student fee has been assessed on all international students attending the University of Florida since the beginning of the 2002-2003 academic year and, as of the date of this Petition, is still being assessed.

2. The purpose of the fee, according to the University, is to defray the costs of services provided to international students through the University International Center. Prior to 2002, the International Center provided all of its services at no cost to students. According to a 2002 mass correspondence sent by the University to all international students, a copy of which is attached hereto and incorporated herein as **Exhibit B**, the new fee was being imposed to defray costs related to the following services: compliance with the new federal regulations in the Student Exchange and Visitor Program (SEVP) of the Department of Homeland Security; mandatory orientation for all new international students; workshops on cultural adjustment, academic issues, immigration issues, US legal system, etc.; counseling students on financial and academic adjustment issues and making appropriate referrals; counseling students on immigration rules and regulations; and serving as student advocate and liaison with all offices/departments on campus as well as legal system, drivers license issues, utilities, and social security administration. The University attempted to financially justify the international student fee in a document provided to Petitioners through a public records request, a copy of which is attached hereto and incorporated herein as **Exhibit C**. In this document, entitled "UF International Center SEVIS Service Charge," the University lists the revenue generated from the fee and the expenses for which the fee is used. In accordance with this budget analysis, the



revenue from the fee is being used solely for new costs to the International Center for its compliance with the SEVP and the SEVIS [Student Exchange and Visitor Information Service] service charge. The expenses identified in this document include the following: salaries & fringe; other personal services; communications; printing/reproduction; software; repairs & maintenance; travel/training; supplies/equipment; risk management/overhead; and hub renovation.

**D. Authority of the University to Adopt Rules**

1. The University is permitted to adopt rules pursuant to BOG Resolution, but it must do so within the parameters of Sections 120.536(1) and 120.54, Florida Statutes. See **Exhibit A**. However, the University may only adopt rules to the extent that the BOG has conferred authority upon it to do so. Not only has the University failed to follow the proper rulemaking procedures, but it also lacks the specific authority to promulgate this fee into rule.

**E. The Unpromulgated Rule**

1. The University has been in the process of rule development regarding the international student fee for approximately one year, via an amendment to the existing University of Florida Rule 6C1-2.012, F.A.C., entitled University of Florida; Use of University Facilities; Fees for Use and Admissions Charges. A copy of this rule, with the University's proposed changes, is attached hereto and incorporated herein as **Exhibit D**. The University proposes to add Subsection (5) to the existing rule, which provides as follows:

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.

After an April 6, 2004 hearing on the proposed rule, however, the University failed to take any further action in the rulemaking process. Despite this fact, the University continues to assess this fee on all international students.

**F. Authority of the University to Assess Fees**

1. State university boards of trustees are entitled to assess both mandatory and optional student fees, but only to the extent permitted by constitution or statute. Article IX, § 7(c) of the Florida Constitution provides that the Board of Governors shall establish the powers and duties of the boards of trustees and on January 7, 2003 the Board of Governors adopted by Resolution a requirement that each board of trustees establish fees in accordance with Sections 1009.24 and 1009.26, Florida Statutes. See **Exhibit A**.

2. Section 1009.24, Florida Statutes (2003) provides an exclusive list of the mandatory fees that a university may charge. The Board of Governors also adopted Rule 6C-7.003 by Resolution, which lists the only fees that universities may charge without the specific approval of the Board of Governors. See **Exhibit E**. If a university wishes to establish any fee not specifically provided for in the above referenced rules or statutes, it must obtain the express approval of the Board of Governors. (See May 26, 2004 Legal Opinion Letter of Daniel Woodring, General Counsel of Florida Board of Governors, issued to Carolyn Roberts, Chair of the Board of Governors, a copy of which is attached hereto and incorporated herein as **Exhibit G**.)

**G. The University Lacks Authority to Assess this Fee**

1. Even if the University had followed the proper rulemaking procedures, which it has not, and adopted the international fee as an amendment to Rule 6C1-2.012, F.A.C., it would nonetheless be unlawful as the University is without authority to assess such a fee.



2. The University is without authority to charge either a mandatory or an optional international student fee because it is not specifically listed in the rules or statutes adopted by the Board of Governors pertaining to fees. See Section 1009.24, Florida Statutes and Rule 6C-7.003, F.A.C. The University claims that its authority to charge the fee comes from Section 1009.24(12)(m) and (n), Florida Statutes. (See **Exhibit F**, September 20, 2004 letter from the University and **Exhibit D**, Proposed Rule 6C1-2.012, F.A.C. which cites to Section 1009.24(12)(m) as the law it is implementing.) None of the statutory or rule provisions cited by the University, however, apply to an international student fee, as it is described by the University in **Exhibits B and C**.

3. Section 1009.24(12)(m) identifies one of the permissible fees as follows:

Fees relating to duplicating, photocopying, binding, and microfilming; copyright services; and standardized testing. These fees may be charged only to those who receive the services.

This type of fee, however, is a fee-for-service charge. The mandatory international student fee at issue in this case does not fall within the scope of this definition as the student is not charged when and if the student receives the “copying” or other services provided by the International Center. Moreover, the University admits that the international student fee pays for the costs of employee salaries and benefits as well as other items listed in **Exhibit C**. These expenses clearly do not fall within the definition in Section 1009.24(12)(m), Florida Statutes.

4. Section 1009.24(12)(n), Florida Statutes does not permit the University to charge the international student fee either. Subsection (12)(n) only permits universities to charge “[f]ees and fines relating to the use, late return, and loss and damage of facilities and equipment.” The international students, however, are not just being charge \$50.00 per semester for their individual use of the International Center facility and equipment. As described in

**Exhibit C**, the fee is being applied to far more than the permissible charges in subsection (12)(n). The University cannot legitimately argue that either Section 1009.24(12)(m) or (n) give it the authority to assess the international student fee.

5. The University also cites to Section 1001.74(6), Florida Statutes, adopted by the BOG by Resolution, as providing it with authority to assess the international student fee. See **Exhibit F**. Section 1001.74(6) provides as follows:

Each board of trustees shall have responsibility for the use, maintenance, protection, and control of university-owned or university-controlled buildings and grounds, property and equipment, name, trademarks and other proprietary marks, and the financial and other resources of the university. Such authority may include placing restrictions on activities and on access to facilities, firearms, food, tobacco, alcoholic beverages, distribution of printed materials, commercial solicitation, animals, and sound. The authority vested in the board of trustees in this subsection includes the prioritization of the use of space, property, equipment, and resources and the imposition of charges for those items.

This section also fails to give the University the authority it seeks because when read together with Section 1009.24, Florida Statutes, it is clear that the only mandatory fees that a university may impose are those specifically identified in Section 1009.24, Florida Statutes.

6. Finally, the May 24, 2004 Legal Opinion of Daniel Woodring, General Counsel for the Board of Governors, identified as **Exhibit G**, clearly prohibits the University from imposing the international student fee. In 2004, a number of university boards of trustees sought advice from the Board of Governors on whether they may charge students a technology fee. After a thorough analysis of the constitutional and statutory authority of university boards of trustees to assess fees, Mr. Woodring ultimately determined that state university boards of trustees lack authority to assess either a mandatory or optional Technology Fee, certainly not without the explicit approval of the Board of Governors. This is because the technology fee is not included in the exclusive list of permissible fees adopted by the Board of Governors.



Likewise, because the international student fee is not one of the limited fees that can be assessed pursuant to Sections 1009.24, 1009.26 or 1001.74(6), Florida Statutes or one of the fees listed in Rule 6C-7.003, as adopted by the Board of Governors, the University is without authority to assess this fee or adopt a rule authorizing the assessment of such a fee. As the assessment of this fee is not within the powers, functions or duties delegated to the University of Florida Board of Trustees by the Board of Governors, it is an invalid exercise of delegated authority and contravenes the law. It is incumbent upon the Florida Board of Governors to prevent such an unlawful assessment and compel an appropriate remedy.


**E. Relief Requested**

Petitioners seek a final order: (1) declaring that this unpromulgated rule is unlawful and violates Section 120.54(1)(a), Florida Statutes (2003), as adopted by the Board of Governors and Article IX, § 7, Florida Constitution; (2) directing the Respondent to immediately cease relying upon this unpromulgated rule as a basis for agency action; (3) directing the Respondent to refund to each student the full amount of all unlawful fees assessed in reliance on this unpromulgated rule; and (4) awarding reasonable costs and reasonable attorney fees to Petitioners pursuant to Section 120.595(4)(a), Florida Statutes (2003).

Respectfully submitted,

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(850) 656-6750 - Facsimile

By:

  
MARY E. ASPROS  
Florida Bar No.: 327890

**ATTORNEY FOR PETITIONERS**



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and exact copy of the foregoing has been furnished by U.S. Mail on this 21<sup>st</sup> day of February, 2005, to: Manny A. Fernandez, Chairman, University of Florida Board of Trustees, Post Office Box 113125, Gainesville, Florida 32611-3125 and Pamela J. Bernard, Esquire, Vice-President and General Counsel, University of Florida, Post Office Box 113125, Gainesville, Florida 32611-3125.

  
Mary F. Aspros

# FLORIDA DEPARTMENT OF EDUCATION

Office of the General Counsel  
Turlington Building, Suite 1244  
325 West Gaines Street  
Tallahassee, FL 32399-0400  
(850) 245-0442 (telephone)  
(850) 245-9379 (facsimile)

## FACSIMILE COVER SHEET

**DATE:** FEBRUARY 23, 2005

**TO:** PAMELA BERNARD, GENERAL COUNSEL  
UNIVERSITY OF FLORIDA

**FROM:** NATHAN ADAMS, IV, DEPUTY GENERAL COUNSEL  
DEPARTMENT OF EDUCATION

**RE:** SOPHIE CROISY and GRADUATE ASSISTANTS UNITED, University  
of Florida Chapter, UNITED FACULTY OF FLORIDA

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**MESSAGE:**

PLEASE SEE THE ATTACHED PETITION TO INVALIDATE UNPROMULGATED RULE AND UNLAWFUL INTERNATIONAL STUDENT FEE, WHICH WAS RECEIVED IN OUR OFFICE FEBRUARY 21, 2005.

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**FACSIMILE NO. (352) 392-4387**

**COMPLETED BY:** 

**NUMBER OF PAGES, INCLUDING COVER SHEET 10 PAGES**

**COPY SENT VIA U.S. MAIL: NO**

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DATE, TIME	02/23 13:07
FAX NO./NAME	913523924387
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PAGE(S)	10
RESULT	OK
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## STATE OF FLORIDA

RESOLUTION

WHEREAS, the voters of the State of Florida passed Amendment 11 to Article IX, Section 7 of the Florida Constitution thereby creating the Board of Governors; and

WHEREAS, the Board of Governors shall operate, regulate, control, and be fully responsible for the management of the whole university system; and

WHEREAS, the responsibilities of the Board of Governors include, but are not limited to:

defining the distinctive mission of each constituent university and its articulation with free public schools and community colleges;

ensuring the well-planned coordination and operation of the system, and avoiding wasteful duplication of facilities or programs; and

establishing the powers and duties of the boards of trustees; and

WHEREAS, the Board of Governors management is subject to the powers of the legislature to appropriate for the expenditure of funds; and

WHEREAS, the Board of Governors shall account for such expenditures as provided by law, and

WHEREAS Amendment 11 mandates that each local constituent university shall be administered by a board of trustees consisting of thirteen members dedicated to the purposes of the state university system; and

WHEREAS, the university boards of trustees are comprised of six citizen members appointed by the Governor and five citizen members appointed by the Board of Governors. The appointed members are confirmed by the Senate. The chair of the faculty senate, or the equivalent, and the president of the Florida Student Association, or the equivalent, are also members.

NOW THEREFORE, BE IT RESOLVED, that: the each local constituent university shall be administered by a board of trustees; and

BE IT RESOLVED that:

1. Members of the boards of trustees shall receive no compensation but may be reimbursed for travel and per diem expenses as provided in s. 112.061.

EXHIBIT

A



2. Boards of trustees' members shall serve staggered terms of five years as provided by law.
3. Each board of trustees shall select its chair and vice chair from the appointed members at its first regular meeting. The chair shall serve for 2 years and may be reselected for one additional consecutive term. The duties of the chair shall include presiding at all meetings of the board of trustees, calling special meetings of the board of trustees, attesting to actions of the board of trustees, and notifying the Governor in writing whenever a board member fails to attend three consecutive regular board meetings in any fiscal year, which failure may be grounds for removal. The duty of the vice chair is to act as chair during the absence or disability of the chair.
4. The university president shall serve as executive officer and corporate secretary of the board of trustees and shall be responsible to the board of trustees for all operations of the university and for setting the agenda for meetings of the board of trustees in consultation with the chair; and

BE IT RESOLVED that:

1. Each board of trustees shall be a public body corporate by the name of "The (name of university) Board of Trustees," with all the powers of a body corporate, including the power to adopt a corporate seal, to contract and be contracted with, to sue and be sued, to plead and be impleaded in all courts of law or equity, and to give and receive donations. In all suits against a board of trustees, service of process shall be made on the chair of the board of trustees or, in the absence of the chair, on the corporate secretary or designee.
2. The university boards of trustees are not departments of the executive branch of state government within the scope and meaning of s. 6, Art. IV of the State Constitution.
3. The corporation is constituted as a public instrumentality, and the exercise by the corporation of the power conferred by this section is considered to be the performance of an essential public function. The corporation shall constitute an agency for the purposes of s. 120.52. The corporation is subject to chapter 119, subject to exceptions applicable to the corporation, and to the provisions of chapter 286; however, the corporation shall be entitled to provide notice of internal review committee meetings for competitive proposals or procurement to applicants by mail or facsimile rather than by means of publication. The corporation is not governed by chapter 607, but by the provisions

of this part. The corporation shall maintain coverage under the State Risk Management Trust Fund as provided in chapter 284.

4. No bureau, department, division, agency, or subdivision of the state shall exercise any responsibility and authority to operate any state university except as specifically provided by law or rules of the Board of Governors. This section shall not prohibit any department, bureau, division, agency, or subdivision of the state from providing access to programs or systems or providing other assistance to a state university pursuant to an agreement between the board of trustees and such department, bureau, division, agency, or subdivision of the state.
5. University boards of trustees shall be corporations primarily acting as instrumentalities or agencies of the state, pursuant to s. 768.28(2), for purposes of sovereign immunity; and

BE IT RESOLVED that:

1. Whenever appointed by any competent court of the state, or by any statute, or in any will, deed, or other instrument, or in any manner whatever as trustee of any funds or real or personal property in which any of the institutions or agencies under its management, control, or supervision, or their departments or branches or students, faculty members, officers, or employees, may be interested as beneficiaries, or otherwise, or for any educational purpose, a university board of trustees is hereby authorized to act as trustee with full legal capacity as trustee to administer such trust property, and the title thereto shall vest in said board as trustee. In all such cases, the university board of trustees shall have the power and capacity to do and perform all things as fully as any individual trustee or other competent trustee might do or perform, and with the same rights, privileges, and duties, including the power, capacity, and authority to convey, transfer, mortgage, or pledge such property held in trust and to contract and execute all other documents relating to said trust property which may be required for, or appropriate to, the administration of such trust or to accomplish the purposes of any such trust.
2. Deeds, mortgages, leases, and other contracts of the university board of trustees relating to real property of any such trust or any interest therein may be executed by the university board of trustees, as trustee, in the same manner as is provided by the laws of the state for the execution of similar documents by other corporations or may be executed by the signatures of a majority of the members of the board of trustees; however, to be effective, any such deed, mortgage, or lease contract for more than 10 years of any trust property, executed hereafter by the university board of trustees, shall be approved by a



resolution of the Board of Governors; and such approving resolution may be evidenced by the signature of either the chair or the secretary of the Board of Governors to an endorsement on the instrument approved, reciting the date of such approval, and bearing the seal of the Board of Governors. Such signed and sealed endorsement shall be a part of the instrument and entitled to record without further proof.

3. Any and all such appointments of, and acts by, the Board of Regents as trustee of any estate, fund, or property prior to May 18, 1949, are hereby validated, and said board's capacity and authority to act as trustee until July 1, 2001, in all of such cases is ratified and confirmed; and all deeds, conveyances, lease contracts, and other contracts heretofore executed by the Board of Regents, either by the signatures of a majority of the members of the board or in the board's name by its chair or chief executive officer, are hereby approved, ratified, confirmed, and validated.
4. Nothing herein shall be construed to authorize a university board of trustees to contract a debt on behalf of, or in any way to obligate, the state; and the satisfaction of any debt or obligation incurred by the university board as trustee under the provisions of this section shall be exclusively from the trust property, mortgaged or encumbered; and nothing herein shall in any manner affect or relate to the authority of the State Board of Education; and

BE IT RESOLVED that:

1. The boards of trustees shall be responsible for cost-effective policy decisions appropriate to the university's mission, the implementation and maintenance of high quality education programs within law and rules of the Board of Governors, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.
2. Each board of trustees is vested with the authority to govern its university, as necessary to provide proper governance and improvement of the university in accordance with law and with rules of the Board of Governors. Each board of trustees shall perform all duties assigned by law or by the Board of Governors.
3. A board of trustees shall have the power to take action without a recommendation from the president and shall have the power to require the president to deliver to the board of trustees all data and information required by the board of trustees in the performance of its duties.

4. Each board of trustees may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of law conferring duties upon it. Such rules must be consistent with rules of the Board of Governors.
5. Each board of trustees shall have the authority to acquire real and personal property and contract for the sale and disposal of same and approve and execute contracts for the purchase, sale, lease, license, or acquisition of commodities, goods, equipment, contractual services, leases of real and personal property, and construction. The acquisition may include purchase by installment or lease-purchase. Such contracts may provide for payment of interest on the unpaid portion of the purchase price. Title to all real property acquired prior to January 7, 2003, and to all real property acquired with funds appropriated by the Legislature shall be vested in the Board of Trustees of the Internal Improvement Trust Fund and shall be transferred and conveyed by it. Notwithstanding any other provisions of this subsection, each board of trustees shall comply with the provisions of s. 287.055 for the procurement of professional services as defined therein.
6. Each board of trustees shall have responsibility for the use, maintenance, protection, and control of university-owned or university-controlled buildings and grounds, property and equipment, name, trademarks and other proprietary marks, and the financial and other resources of the university. Such authority may include placing restrictions on activities and on access to facilities, firearms, food, tobacco, alcoholic beverages, distribution of printed materials, commercial solicitation, animals, and sound. The authority vested in the board of trustees in this subsection includes the prioritization of the use of space, property, equipment, and resources and the imposition of charges for those items.
7. Each board of trustees has responsibility for the establishment and discontinuance of degree programs up to and including the master's degree level; the establishment and discontinuance of course offerings; provision of credit and noncredit educational offerings; location of classes; services provided; and dissemination of information concerning such programs and services. Approval of new programs must be pursuant to criteria established by the Board of Governors.
8. Each board of trustees is authorized to create divisions of sponsored research pursuant to the provisions of s. 1011.411 to serve the function of administration and promotion of the programs of research.
9. Each board of trustees has responsibility for: ensuring that students have access to general education courses as identified in rule and requiring no more than 120 semester hours of coursework for



baccalaureate degree programs unless approved by the Board of Governors. At least half of the required coursework for any baccalaureate degree must be offered at the lower-division level, except in program areas approved by the Board of Governors.

10. Each board of trustees has responsibility for policies related to students, enrollment of students, student activities and organizations, financial assistance, and other student services. Specifically:
  - (a) Each board of trustees shall govern admission of students pursuant to s. 1007.261 and rules of the Board of Governors. Each board of trustees may consider the past actions of any person applying for admission or enrollment and may deny admission or enrollment to an applicant because of misconduct if determined to be in the best interest of the university.
  - (b) Each board of trustees shall establish student performance standards for the award of degrees and certificates.
  - (c) Each board of trustees must identify its core curricula and work with school districts to ensure that its curricula coordinate with the core curricula and prepare students for college-level work.
  - (d) Each board of trustees must adopt a written antihazing policy, appropriate penalties for violations of such policy, and a program for enforcing such policy.
  - (e) Each board of trustees may establish a uniform code of conduct and appropriate penalties for violations of its rules by students and student organizations, including rules governing student academic honesty. Such penalties, unless otherwise provided by law, may include fines, the withholding of diplomas or transcripts pending compliance with rules or payment of fines, and the imposition of probation, suspension, or dismissal.
  - (f) Each board of trustees shall establish a committee, at least one-half of the members of which shall be students appointed by the student body president, to periodically review and evaluate the student judicial system.
  - (g) Each board of trustees must adopt a policy pursuant to s. 1006.53 that reasonably accommodates the religious observance, practice, and belief of individual students in regard to admissions, class attendance, and the scheduling of examinations and work assignments.



- (h) A board of trustees may establish intrainstitutional and interinstitutional programs to maximize articulation pursuant to s. 1007.22.
  - (i) Each board of trustees shall approve the internal procedures of student government organizations.
11. Each board of trustees shall establish fees pursuant to ss. 1009.24 and 1009.26.
  12. Each board of trustees shall submit an institutional budget request, including a request for fixed capital outlay, and an operating budget to the Board of Governors for approval in accordance with guidelines established by the Board of Governors.
  13. Each board of trustees shall account for expenditures of all state, local, federal, and other funds in the manner described by the Board of Governors.
  14. Each board of trustees shall develop a strategic plan specifying institutional goals and objectives for the university for recommendation to the Board of Governors.
  15. Each board of trustees shall develop an accountability plan pursuant to guidelines established by the Board of Governors and statute.
  16. Each board of trustees shall maintain an effective information system to provide accurate, timely, and cost-effective information about the university, and shall ensure that all data and reporting requirements of the Commissioner are met.
  17. Each board of trustees is authorized to secure comprehensive general liability insurance pursuant to s. 1004.24.
  18. Each board of trustees may provide for payment of the costs of civil actions against officers, employees, or agents of the board pursuant to s. 1012.965.
  19. Each board of trustees shall establish the personnel program for all employees of the university, including the president, pursuant to the provisions of chapter 1012 and, in accordance with rules and guidelines of the Board of Governors, including: compensation and other conditions of employment, recruitment and selection, nonreappointment, standards for performance and conduct, evaluation, benefits and hours of work, leave policies, recognition and awards, inventions and works, travel, learning opportunities, exchange

programs, academic freedom and responsibility, promotion, assignment, demotion, transfer, tenure and permanent status, ethical obligations and conflicts of interest, restrictive covenants, disciplinary actions, complaints, appeals and grievance procedures, and separation and termination from employment. The Department of Management Services shall retain authority over state university employees for programs established in ss. 110.123, 110.1232, 110.1234, and 110.1238 and in chapters 121, 122, and 238. No rule of the Board of Governors shall be considered to in any way contravene the responsibility of each of the university board of trustees to act as the sole public employer with regard to all public employees of its universities for the purposes of collective bargaining in accord with chapter 447 Florida Statutes.

20. Each board of trustees may consider the past actions of any person applying for employment and may deny employment to a person because of misconduct if determined to be in the best interest of the university.
21. Each board of trustees shall appoint a presidential search committee to make recommendations to the full board of trustees, from which the board of trustees may select a candidate for ratification by the Board of Governors.
22. Each board of trustees shall conduct an annual evaluation of the president in accordance with rules of the Board of Governors and submit such evaluations to the Board of Governors for review. The evaluation must address the achievement of the performance goals established by the accountability process implemented pursuant to s. 1008.46 and the performance of the president in achieving the annual and long-term goals and objectives established in the institution's employment equity accountability program implemented pursuant to s. 1012.95.
23. Each board of trustees constitutes the contracting agent of the university.
24. Each board of trustees may enter into agreements for, and accept, credit card payments as compensation for goods, services, tuition, and fees.
25. Each board of trustees may establish educational research centers for child development pursuant to s. 1011.48.



26. Each board of trustees may develop and produce work products relating to educational endeavors that are subject to trademark, copyright, or patent statutes pursuant to s. 1004.23.
27. Each board of trustees shall submit to the Board of Governors, for approval, plans for all new campuses and instructional centers.
28. Each board of trustees shall administer a program for the maintenance and construction of facilities pursuant to chapter 1013.
29. Each board of trustees shall ensure compliance with the provisions of s. 287.09451 for all procurement and ss. 255.101 and 255.102 for construction contracts, and rules adopted pursuant thereto, relating to the utilization of minority business enterprises, except that procurements costing less than the amount provided for in CATEGORY FIVE as provided in s. 287.017 shall not be subject to s. 287.09451.
30. Each board of trustees may exercise the right of eminent domain pursuant to the provisions of chapter 1013. Any suits or actions brought by the board of trustees shall be brought in the name of the board of trustees, and the Department of Legal Affairs shall conduct the proceedings for, and act as the counsel of, the board of trustees.
31. Notwithstanding the provisions of s. 253.025, each board of trustees may, with the consent of the Board of Trustees of the Internal Improvement Trust Fund, sell, convey, transfer, exchange, trade, or purchase real property and related improvements necessary and desirable to serve the needs and purposes of the university.
  - (a) The board of trustees may secure appraisals and surveys. The board of trustees shall comply with the rules of the Board of Trustees of the Internal Improvement Trust Fund in securing appraisals. Whenever the board of trustees finds it necessary for timely property acquisition, it may contract, without the need for competitive selection, with one or more appraisers whose names are contained on the list of approved appraisers maintained by the Division of State Lands in the Department of Environmental Protection.
  - (b) The board of trustees may negotiate and enter into an option contract before an appraisal is obtained. The option contract must state that the final purchase price may not exceed the maximum value allowed by law. The consideration for such an option contract may not exceed 10 percent of the estimate obtained by the board of trustees or 10 percent of the value of the parcel,



whichever is greater, unless otherwise authorized by the board of trustees.

- (c) This subsection is not intended to abrogate in any manner the authority delegated to the Board of Trustees of the Internal Improvement Trust Fund or the Division of State Lands to approve a contract for purchase of state lands or to require policies and procedures to obtain clear legal title to parcels purchased for state purposes. Title to property acquired by a university board of trustees prior to January 7, 2003, and to property acquired with funds appropriated by the Legislature shall vest in the Board of Trustees of the Internal Improvement Trust Fund.
32. Each board of trustees shall prepare and adopt a campus master plan pursuant to s. 1013.30.
  33. Each board of trustees shall prepare, adopt, and execute a campus development agreement pursuant to s. 1013.30.
  34. Each board of trustees has responsibility for compliance with state and federal laws, rules, regulations, and requirements.
  35. Each board of trustees may govern traffic on the grounds of that campus pursuant to s. 1006.66.
  36. A board of trustees has responsibility for supervising faculty practice plans for the academic health science centers.
  37. Each board of trustees shall prescribe conditions for direct-support organizations and university health services support organizations to be certified and to use university property and services. Conditions relating to certification must provide for audit review and oversight by the board of trustees.
  38. Each board of trustees shall actively implement a plan, in accordance with guidelines of the State Board of Education, for working on a regular basis with the other university boards of trustees, representatives of the community college boards of trustees, and representatives of the district school boards, to achieve the goals of the seamless education system.
  39. Notwithstanding the provisions of s. 216.351, a board of trustees may authorize the rent or lease of parking facilities, provided that such facilities are funded through parking fees or parking fines imposed by a university. A board of trustees may authorize a university to charge fees for parking at such rented or leased parking facilities.

40. Each board of trustees may adopt rules and procedures related to data and technology, including information systems, communications systems, computer hardware and software, and networks. Such policies and procedures shall ensure that each institution participate fully and efficiently in statewide management information systems.
41. Each board of trustees shall ensure that each institution participates fully in statewide programs that advance articulation, access, equity, financial assistance and accountability as provided by law or rule.
42. A board of trustees shall perform such other duties as are provided by law or by the Board of Governors; and

BE IT RESOLVED that in addition to the duties and responsibilities of the boards of trustees enumerated herein, the universities shall have those duties and responsibilities specifically set forth in the K-20 Education Code, Title XLVIII Florida Statutes and shall act consistent with those responsibilities; and

BE IT RESOLVED that if previously adopted rules conflict with or contravene this resolution, the provisions of this resolution shall prevail; and

BE IT RESOLVED that it is the intent of the Board of Governors that the university boards of trustees shall be the sole public employers with respect to all public employees of the respective state universities as provided in s. 447.203(2) and (10) F.S. for the purpose of collective bargaining, and no rule previously adopted by the Board of Governors shall contravene this intent or shall be in conflict with the boards of trustees adoption of rules in furtherance of their responsibilities as public employers; and

BE IT RESOLVED that if any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase, or portion thereof.

PASSED AND ADOPTED by the Board of Governors of the State of Florida at a public meeting thereof duly called and held this 7<sup>th</sup> day of January 2003.



Dear International Student:

The following information is very important to you and relates to new federal regulations. Your status as a University of Florida student brings with it many responsibilities and obligations as well as opportunities. As an international student, you are required by law to abide by immigration regulations during your stay in the United States. Generally speaking, international students are admitted to the United States by the Immigration and Naturalization Services (INS) or by the Department of State (DOS) for the sole purpose of being a full time student. Participation by students in any other activity, from employment to vacation, is considered to be a privilege and is only allowed in accordance with strict INS/DOS rules. Penalties for violation of immigration laws can be severe and can include deportation. It is your responsibility to maintain your visa status and to be well informed concerning all rules and regulations affecting you as a UF student and visitor in the United States.

To assist you, the University of Florida International Center (UFIC) will provide you with a number of services relating to INS or DOS requirements, including: extension of I-20 or DS-2019 (former IAP-66) for us; changes in major or level of study; reinstatements; transfer from one institution to another within U.S.; curricular or optional practical training; and academic training. In addition to advising support, many of these immigration matters will be covered on our listserv, in orientation sessions, on our web site and in workshops. Please frequently check our web site ([www.ufic.ufl.edu](http://www.ufic.ufl.edu)) for information and updates concerning immigration and academic matters and workshop dates.

In order for international students to continue to be allowed to enroll at UF, the University of Florida must abide by certain regulations and is required to report certain information to the INS and DOS regarding all students with F and J visas. INS and DOS require us to update and confirm information on your visa. This information includes such items as: registration hours; transfers; extension of stay; all changes of address, program, level of study and funding. We must report requests to bring in family member(s). We also process applications for training purposes in the form of Curricular Practical Training (CPT), Optional Practical Training (OPT), or Academic Training and must notify INS. We are also required to inform INS when you drop below full course load or when you terminate from school. Sometimes students need to take a reduced schedule or short leave of absence for medical or other reasonable purposes. We have limited authority under our agreements with INS and DOS to permit such variations from full-time activity. If you find yourself in need to take a reduced course load, you must have approval from UFIC in order to maintain your visa status.

UF and UFIC are dedicated to providing the services needed to assist you in accomplishing your academic goals and in maintaining your visa status. The annual service charge for these services is \$100, for which you will be billed after the close of the drop/add period in September. You may pay this either at the cashiers office in S113 Criser Hall or through ISIS with a credit card.

Our office hours are from 8 a.m. to 5 p.m. Monday-Friday, and after hour emergency contacts for UFIC are available through the University Police Department. Please stop at the front desk or call 392-5323 x600 to schedule an appointment.

Sincerely,

Dennis C. Jett  
Dean

EXHIBIT

B



### UF International Center SEVIS Service Charge

Budget Item	FY 02-03	FY 03-04	FY 04-05 Projected
<b>Revenue</b>			
Student collected fees	253,232	261,763	247,400
Prior Fiscal Year Funds	0	157,264	145,462
<b>Subtotal</b>	<b>253,232</b>	<b>419,027</b>	<b>392,862</b>
<b>Expenses</b>			
Salaries & fringe	33,274	113,937	175,000
Other Personal Services	19,196	37,748	20,000
Communications	77	351	25,000 *
Printing/Reproduction	580	3,117	5,000
Software	32,399	202	15,000
Repairs & Maintenance	0	2,062	3,725
Travel/Training	1,899	3,479	12,000
Supplies/ Equipment	6,734	24,186	40,000
Risk Management/overhead	1,809	5,151	5,500
Hub renovation	0	83,333	20,000
<b>Subtotal</b>	<b>95,968</b>	<b>273,565</b>	<b>321,225</b>
<b>Balance</b>	<b>157,264</b>	<b>145,462</b>	<b>71,637</b>

\* Includes international courier service of immigration documents for students.

**EXHIBIT**

**C**

RULES OF  
UNIVERSITY OF FLORIDA

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.

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EXHIBIT

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(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.

~~(6)~~ 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,

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**STATE OF FLORIDA****RESOLUTION**

WHEREAS, the voters of the State of Florida passed Amendment 11 to Article IX, Section 7 of the Florida Constitution thereby creating the Board of Governors; and

WHEREAS, the Board of Governors shall operate, regulate, control, and be fully responsible for the management of the state university system of Florida; and

WHEREAS, the rules of the Board of Regents were transferred to the Florida Board of Education pursuant to Section 1001.01(5)(a), Florida Statutes; and

WHEREAS, the administrative rules of the Florida Board of Education became the rules of the appointed State Board of Education pursuant to Section 1001.01(5)(d), Florida Statutes; and

WHEREAS, the Board of Governors recognizes the need to revise the rules of the Board of Regents, while recognizing the need for continuity during this time of transition, and there not yet having been opportunity to revise existing rules.

NOW THEREFORE, BE IT RESOLVED that the Board of Governors hereby adopts all existing State Board of Education rules formerly known as rules of the Board of Regents as below described:

- 6C-1.0001 General Description and Address of Agency.
- 6C-3.001 Systemwide Uniform Procedures.
- 6C-3.003 Constitutions of Institutions.
- 6C-3.004 Degrees.
- 6C-3.006 Accreditation.
- 6C-3.007 Management Information System.
- 6C-3.0075 Security of Data and Information Technology Resources.
- 6C-3.009 Student Financial Aid.
- 6C-4.002 Presidential Search, Selection, Appointment and Evaluation.
- 6C-5.900 State University System General Personnel Policy.
- 6C-5.910 Recruitment, Selection, Appointment, and Nonreappointment.
- 6C-5.915 Compensation.
- 6C-5.920 Benefits and Hours of Work.
- 6C-5.925 Evaluation and Recognition.
- 6C-5.930 Learning Opportunities.
- 6C-5.935 Promotion, Change in Assignment, Demotion and Transfer.
- 6C-5.940 Tenure and Permanent Status.
- 6C-5.945 Employee Ethical Obligations and Conflicts of Interest.
- 6C-5.950 Disciplinary Actions, Complaints, and Appeals.
- 6C-5.955 Separations From Employment and Layoff.

**EXHIBIT****E**

- 6C-6.001 Admissions.
- 6C-6.002 Entering Freshmen.
- 6C-6.003 Entering or Transferring Graduate Students and Post-Baccalaureate Professional Students.
- 6C-6.004 Transfer Students - Undergraduate.
- 6C-6.005 Acceptance of College Credit by Examination.
- 6C-6.006 Acceleration Mechanisms for Program Completion.
- 6C-6.009 Admission of Foreign Students to SUS Institutions.
- 6C-6.010 Student Affairs.
- 6C-6.0105 Student Conduct and Discipline.
- 6C-6.0115 Observance of Religious Holy Days.
- 6C-6.015 Student Records and Reports.
- 6C-6.016 Summer Session Enrollment.
- 6C-6.017 Criteria for Awarding the Baccalaureate Degree.
- 6C-6.018 Substitution or Modification of Requirements for Program Admission, Undergraduate Transfer, and for Graduation by Students with Disabilities.
- 6C-6.022 Veterans' Benefits - Inmate Students.
- 6C-7.001 Tuition, Fee Schedule and Percentage of Cost.
- 6C-7.002 Fee Assessment and Remittance.
- 6C-7.003 Special Fees, Fines and Penalties.
- 6C-7.004 Deferred Payment of Fees.
- 6C-7.005 Student Residency.
- 6C-7.006 Limitation on Non-Resident Student Enrollment.
- 6C-7.008 Waiver of Tuition and Materials & Supply Fees.
- 6C-8.001 University Calendars.
- 6C-8.002 Continuing Education.
- 6C-8.009 Definition and Process for Establishing Educational Sites.
- 6C-8.010 Incentive/Efficiency Program.
- 6C-9.004 Razing of Buildings.
- 6C-9.005 Naming of Buildings and Facilities.
- 6C-9.011 University Direct Support Organizations.
- 6C-9.013 Auxiliary Operations.
- 6C-9.017 Faculty Practice Plans.
- 6C-9.018 Charity Racing Day Proceeds.
- 6C-9.019 Trust Fund for Major Gifts.
- 6C-9.020 University Health Services Support Organizations.
- 6C-10.001 Self-Insurance Programs.
- 6C-10.004 Educational Research Centers for Child Development.
- 6C-10.009 Smoking in Public Buildings.
- 6C-11.011 Offices.
- 6C-11.012 The Council.
- 6C-11.0125 Powers and Duties.
- 6C-11.013 The Staff Director.
- 6C-11.014 Meetings and Agenda.
- 6C-11.015 Administration, Travel, and Consultants.
- 6C-12.001 Florida Solar Energy Center Operations.



6C-14.002 Definitions.  
6C-14.0025 Action Required Prior to Capital Outlay Appropriation.  
6C-14.004 Public Announcement and Qualification Procedure.  
6C-14.005 Certification and Competitive Selection of Architects/Engineers.  
6C-14.0055 Certification and Competitive Selection for Construction Management Services and Design-Build Services.  
6C-14.007 Competitive Negotiation.  
6C-14.018 Contracting Authority for Construction Contracts.  
6C-14.020 University Supervision of Construction Program.  
6C-14.021 Procedures for Construction Contract Bidding and Award.  
6C-14.022 Disqualification Procedures.  
6C-14.023 Notice and Protest Procedures.  
6C-16.002 Approval.  
6C-16.005 Maintenance.  
6C-16.006 Aircraft.  
6C-17.003 Approval.  
6C-17.004 Standard Lease Agreement Form.  
6C-17.009 Leases of 3,000 Square Feet or More.  
6C-17.010 Legal Review.  
6C-17.011 Certification of Compliance for Leases of Less Than 3,000 Square Feet.  
6C-17.012 Space Measurement.  
6C-17.013 Space Allocation.  
6C-17.014 Rental Rates.  
6C-17.016 Nominal or No Consideration Leases.  
6C-17.017 Special Facilities for the Physically Disabled - Leased Space.  
6C-18.030 Statement of Intent.  
6C-18.035 Definitions.  
6C-18.040 Purchasing Authority of the Institutions.  
6C-18.045 Competitive Solicitations Required.  
6C-18.050 Purchase of Commodities or Contractual Services.  
6C-18.055 Bonds.  
6C-18.060 Contracts.  
6C-18.065 Standard of Conduct.  
6C-18.070 Purchase of Motor Vehicles.  
6C-21.108 Procedures for Petitioning the Board of Regents, Challenging Compliance of the Campus Master Plan or Plan Amendment.  
6C-21.109 Procedures for Dispute Resolution.  
6C-21.110 Remedial Plan Amendments.  
6C-21.201 Purpose of Part II.  
6C-21.202 Definitions.  
6C-21.203 General Requirements.  
6C-21.204 Future Land Use Element.  
6C-21.205 Transportation Element.  
6C-21.206 Housing Element.  
6C-21.207 General Infrastructure Element.

- 6C-21.208 Conservation Element.
- 6C-21.209 Recreation and Open Space Element.
- 6C-21.210 Intergovernmental Coordination Element.
- 6C-21.211 Capital Improvements Element.
- 6C-21.212 Optional Elements.
- 6C-21.213 Campus Master Plan Consistency With the State Comprehensive Plan and Not in Conflict With Local Government Comprehensive Plans.

PASSED AND ADOPTED by the Board of Governors of the State of Florida at a public meeting thereof duly called and held this 7<sup>th</sup> day of January 2003.



Westlaw

6 FL AD C 6C-7.003  
 Rule 6C-7.003, F.A.C.  
 Fla. Admin. Code Ann. r. 6C-7.003

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FLORIDA ADMINISTRATIVE CODE  
 ANNOTATED

TITLE 06. DEPARTMENT OF EDUCATION  
 SUBTITLE 6C. BOARD OF REGENTS  
 CHAPTER 6C-7. TUITION AND FEES

Current through the January 14, 2005 issue of the Florida Administrative Weekly.

6C-7.003. Special Fees, Fines and Penalties.

The Board must authorize all fees assessed. Accordingly, the specific fees listed in this section, and the tuition defined in Rule 6C-7.001, F.A.C., are the only fees that may be charged without the specific approval of the Board, except as authorized in Rule 6C-8.002, F.A.C. 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.

(1) 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 6C-7.001, F.A.C. Depositing of fee proceeds shall be the same as that provided for tuition.

(2) 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.

(3) Application Fee -- Individuals who make application for admission to universities within the State University System shall pay a non-refundable Application Fee of \$20.00. The fee shall be remitted to the appropriated Student Fee Trust Funds. This fee may 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.

(4) Late Registration Fee -- Universities shall assess a Late Registration Fee against students who fail to initiate registration in the regular registration period. The fee shall be not less than \$50 nor more than \$100 with 50 percent remitted to the appropriated Student Fee Trust Funds and 50 percent retained by the university. Provisions may be made to waive the Late Registration Fee as specified by the university.

(5) Late Payment Fee -- Universities may assess a Late Payment Fee 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 each university, which shall be no later than the end of the second week of classes. The fee shall be not less than \$50 nor more than \$100 with 50 percent retained by the university. Provisions may be made to waive the Late Payment Fee for minor underpayment as specified by the university.

(6) Health Fee -- The student Health Fee shall be set pursuant to subsection 240.235(1), Florida Statutes. The university president shall submit requests to change the student Health Fee, to be effective the following Fall semester, to the Board for approval at its first meeting of the calendar year. In addition, the university president, or designee, is authorized to establish miscellaneous health-related charges for services provided at cost by the health center which are not covered by the Health Fee.

(7) Athletic Fee -- The Athletic Fee shall be set pursuant to subsections 240.235(1) and 240.533(4), Florida Statutes. The university president shall submit requests to change the Athletic Fee, to be effective the following Fall semester, to the Board for approval at its first meeting of the calendar year.

(8) Activity and Service Fee -- The Activity and Service Fee shall be set pursuant to subsection 240.235(1), Florida Statutes. The university president shall submit requests to change the Activity and Service Fee, to be effective the following Fall semester, to the Board for approval

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 Rule 6C-7.003, F.A.C.  
 Fla. Admin. Code Ann. r. 6C-7.003

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at its first meeting of the calendar year.

(9) Developmental Research School Fees:

Fund	Amount	
(a) Activities Fee -- discretionary with each institution	Agency	Varies
(10) Library Fines -- per book or unit, per day	app. SFTF	\$ .25
(11) Overdue Reserve Library Books -- per book, per library hour	app. SFTF	\$ .25
(12) Late Equipment Fee, Physical Education -- per item, per day	app. SFTF	\$ .25
(13) Security/Access/Identification Card, Duplicate Security/Access/Identification Card, Fee Card, or Passbook:		
(a) Annual	Varies	Cost up to \$10.00
(b) All duplicates		up to \$15.00
(14) Duplicating/Photocopying fee for personal use only	Varies	Cost
(15) Standardized Tests -- the fee for all standardized tests, (GRE, URE, etc.) will consist of the direct costs of administering the tests.	Varies	Cost
(16) Binding Fee -- Thesis and Dissertation	Agency	Cost
(17) Microfilm Fee -- Thesis and Dissertation	Agency	Cost
(18) Copyright Fee -- Dissertation	Agency	Cost
(19) All breakage and lost library materials	Expense Refund	Cost
(20) Lost Keys -- (includes cylinder change)	Expense Refund	Cost
(21) Equipment Damage and Loss	Expense Refund	Cost
(22) Interlibrary Loans/Literature Searches	Varies	Cost
(23) Facilities/Equipment Use Charge	Varies	Cost
(24) Orientation Fee	Agency	Up to \$25
(25) Admissions Deposit, the University of Florida, College of Dentistry Student Fee Trust Funds	appropriated	\$200

(26) Transcript Fee -- Per item up to \$5.00. The fee shall be retained by the university.

(27) Diploma Replacement Fee -- Per item up to \$5.00. The fee shall be retained by the University.

(28) The Board may authorize additional fees in

order to meet specific higher education needs of the State when special circumstances result in specific, identifiable increased costs to a 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 shall be sufficient to recover all increased costs.



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Each university shall remit the regular Student Credit Hour fees collected for these courses to the appropriated Student Fee Trust Funds. Each university shall use the additional fees collected to cover the increased cost of these courses and reimburse the appropriate Educational and General fund, or the appropriate other fund if the costs are incurred in other than Educational and General funds.

(29) Off-Campus Educational Activities -- Each university president is authorized to establish fees 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 student 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 remit the regular Student Credit Hour fees collected for these courses to the appropriated Student Fee Trust Funds. Each university shall use the additional fees collected to cover the increased cost of these courses and reimburse the appropriate Educational and General fund, or the appropriate other fund if the costs are incurred in other than Educational and General funds.

(30) Material and Supply Fees -- Each university president is authorized to assess Material and Supply Fees not to 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. Revenues from such fees shall be deposited into the Auxiliary Trust Fund. The Chancellor shall prescribe guidelines for establishing or increasing the fee.

(31) Housing Rental Rates -- Basic rates for housing rental shall be set by the university president with concurrence of the Chancellor. The Chancellor shall prescribe the reporting requirements for housing rental rate increases. In the event of a dispute of the university decision, the Board shall make a final determination. In addition,

the university president is authorized to establish miscellaneous housing charges for services provided by the university at the request of the student.

(32) Parking Fines and Decals -- Each university shall establish a schedule of parking fines pursuant to the provisions of Sections 240.264 through 240.267, Florida Statutes. Each university is authorized to establish a charge for parking decals.

(33) Transportation Access Fee -- Each university is authorized 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.

(34) Returned Check Fee -- Each university shall assess a service charge as authorized by Section 832.07(1), Florida Statutes, for unpaid checks returned to the university.

(35) Collection Costs -- Each university is authorized to assess a charge representing reasonable cost of collection efforts to effect payment for overdue accounts. Collection costs may be assessed to the student for collection of debts owed the university not secured by a promissory note or contract. Amounts received for collection costs shall be retained by the university.

(36) Service Charge -- Each university is authorized to assess a service charge on university loans in lieu of interest and administrative handling.

(37) Educational Research Center for Child Development Fee -- Each center shall submit a request to establish or change child care and service fees to the Board by November 1 of each year, to become effective the subsequent Fall Semester.

(38) Each university shall establish by rule procedures for the payment, waiver and refund of fees, fines and penalties appropriately assessed.

Specific Authority 240.209(1), (3)(e), (h), (i), 240.235, 240.531(3) FS. Law Implemented 240.209(1), (3)(e), (h), 240.2097, 240.227(20),

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240.235(1), 240.264--267, 240.531(3),  
 240.533(4)(a), 832.07(1) FS., CS/CS/HB 1567,  
 2000 Legislative Session. History--Derived from  
 6C-2.74 and 6C-2.76, Amended and Renumbered  
 12-17-74, Amended 2-22-76, 6-22-76, 6-28-76,  
 11-1-76, 9-8-77, 2-14-79, 9-28-81, 12-7-82,  
 12-13-83, 10-2-84, Formerly 6C-7.03, Amended  
 1-8-86, 8-11-86, 12-25-86, 6-2-87, 10-17-89,  
 4-10-90, 1-7-91, 7-2-91, 9-15-91, 8-4-92, 11-9-92,  
 4-12-93, 5-30-93, 9-23-93, 8-1-94, 1-24-96,  
 4-16-96, 12-15-97, 8-28-00, 8-12-01.

#### ANNOTATIONS

##### Validity:

Rule 6C-7.003(9) does not constitute an invalid exercise of delegated legislative authority. It has been established that universities can facilitate the establishment of a fee checkoff during registration period. *Cortes, Heath, et al. v. State of Florida, Board of Regents*, 17 FALR 3285 (1995).

Late registration practice in which university assessed \$25 penalty for failing to participate in computerized preregistration was declared invalid, since practice had effect of rule and was not adopted through formal rule making proceedings; Rule 6C-7.03(5) [now Rule 6C-7.003(5)] authorized penalty against students who did not register within "regular registration period." *Reeder v. Florida State University, DOAH, 77-1836R*.

6 FL ADC 6C-7.003  
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# UNIVERSITY OF FLORIDA

Office of the Vice President and General Counsel

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September 20, 2004

Mary F. Aspros, Esquire  
Meyer and Brooks, P.A.  
Attorneys at Law  
2544 Blairstone Pines Drive  
Tallahassee, FL 32301

Re: International Student Service Fee

Dear Ms. Aspros:

Your letter to Manny A. Fernandez, Chairman, University of Florida Board of Trustees, concerning the international student service fee has been referred to me for a response. In your letter you question the validity of this charge, also called the "certificate of eligibility processing and enrollment status verification fee."

Section 1001.74(6), Florida Statutes, authorizes the certificate of eligibility processing and enrollment status verification fee. Board of Governors Resolution dated January 7, 2003, granted the university boards of trustees this authority: "[E]ach board of trustees shall have responsibility for the use, maintenance, protection and control of university-owned or university-controlled buildings and grounds, property and equipment, . . . and the financial and other resources of the University." This authority "includes the prioritization of the use of space, property, equipment and resources and the *imposition of charges* for those items." (Emphasis added.) According to the Board of Governors Resolution, the university boards of trustees may implement this authority through rulemaking.

The University of Florida Rule 6C1-2.012, F.A.C., establishes various charges for the use of university resources under this authority. The international student fee rule is proposed as an amendment to this rule. As you are aware, the fee at issue is a service charge assessed for services provided to certain students with F or J visas. Information must be reported to the Bureau of Citizenship and Immigration Services and/or the Department of State, as required by federal law, through the Student and Exchange Visitor Information System of the United States Department of Homeland Security. Such reporting and processing includes: reporting

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registration hours, transfers, extension of stay and reinstatements, extension of I-20 or DS-2019 forms, and all changes of address, program, level of student and funding, as well as all requests to bring in family members; reporting students with F or J visas who fall below course load or who are terminated from the University; processing and reporting of applications for curricular practical training (CPT), optional practical training (OPT), and academic training; and processing of requests from students with F or J visas to take a reduced schedule or leave of absence for medical or other reasonable purposes.

Although Section 1001.74(6), Fla. Stat., provides sufficient authority for the charge, Section 1009.24(12)(m) and (n), Fla. Stat., also provide authority. Section 1009.24(12)(m) allows fees for duplicating and photocopying, and Section 1009.24(12)(n) allows for fees related to the use of facilities and equipment. Indeed, the services provided require, in addition to other University resources such as personnel, extensive use of, and investment in, computer equipment and software.

Finally, the service charge is not precluded under Rule 6C-7.003, F.A.C., which is mentioned in the opinion of Mr. Woodring, General Counsel for the Florida Board of Governors, which you have cited. The Board of Governors has allowed this charge through its delegation of authority to the boards of trustees as set out in Section 1001.74, Fla. Stat., in the resolution referred to above.

We trust that this clarifies the authority for, and appropriateness of, the certificate of eligibility processing and enrollment status fee.

Sincerely,



Barbara C. Wingo  
Deputy General Counsel



May 26, 2004

Carolyn K. Roberts, Chair  
Florida Board of Governors  
Roberts Real Estate, Inc.  
115 Northeast 8<sup>th</sup> Avenue  
Ocala, Florida 34470

Dear Mrs. Roberts:

You have requested an opinion concerning whether state university boards of trustees may charge students a technology fee. In brief, the Office of General Counsel concludes that state universities may not charge a technology fee without Board of Governors' approval.

*Background*

H.B. 1781 (2004) sought to amend Section 1009.24, Florida Statutes, "to establish a technology fee to be expended to enhance, expand, and improve technology access and support according to technology improvement plans approved by the university's board of trustees with prior consultation with the university's student government association." The draft statute would have imposed a cap on the fee, permitted at most annual increases, required a technology fee committee at least one-half of whose members are students appointed by the student body president to approve the fee, and not required Bright Futures Scholarships to cover the fee amount as provided for in Sections 1009.534, 1009.535, and 1009.536, Florida Statutes. *Id.* The bill failed to pass, but one or more state university boards of trustees nevertheless seek to impose a student technology fee.

*Analysis*

State universities are entitled to charge mandatory student fees only to the extent permitted by constitution or statute. Article 9, § 7(b) of the Florida Constitution authorizes university boards of trustees to "administer each

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public university." This provision is not self-executing. Article 9, § 7(c), Fla. Const., provides, "The board of governors shall establish the powers and duties of the boards of trustees." On January 7, 2003, the Board of Governors listed fees that universities may charge not including a student technology fee, and provided that the listed fees comprise "the only fees that may be charged without the specific approval of the Board."<sup>1</sup> Rule 6C-7.003, Fla. Admin. Code.

The Board of Governors acted consistent with its constitutional authority and statutory law, which has also delineated permissible state university mandatory student fees not including a technology fee. § 1009.24, Fla. Stat. Mandatory student fees approved by the Legislature are exhaustively specified and capped presumably because the Bright Futures Scholarship Program commits the Legislature to pay at least 75 percent of state university fees. §§ 1009.534(2), 1009.535(2), 1009.536(2), Fla. Stat. Additionally, the Florida Prepaid College Program commits its trustees with respect to some contracts to pay state university fees delineated in Section 1009.24(8)-(11), Florida Statutes. *See* § 1009.98(2)(b)2, Fla. Stat. Neither universities nor the Board of Governors can require the Legislature or trustees to appropriate additional funds for these programs.

Nonetheless, it has been suggested that state universities may assess a student technology fee not specifically listed in rule or statute if payment of the fees is not required as a part of registration for courses, *see* § 1009.24(3), Fla. Stat., or that state universities may charge for use of university-owned space, property, equipment and resources, *see* § 1001.74(6), Fla. Stat.; for materials and supplies consumed in the course of the student's instructional activities, *see* § 1009.24(12)(g), Fla. Stat.; or for use of equipment, *see* § 1009.24(12)(n), Fla. Stat. None of this authority contradicts the requirement that any additional student fee not listed in 1009.24, Florida Statutes, must be optional, and does not purport to derogate from the Board of Governor's constitutional authority to regulate the state university system. Art. 9 § 7, Fla. Const.

Sections 1001.74(6) and 1009.24(12)(g) and (n), Florida Statutes, must be viewed in *pari materia* with Sections 1009.24(1)-(11), (13)-(14), Florida Statutes, which exhaustively lists mandatory student fees and requires that all others be optional, and with Sections 1009.534(2), 1009.535(2), 1009.536(2),

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<sup>1</sup> Rule 6C-7.001, Fla. Admin. Code, specifies resident and non-resident tuition to incorporate listed fees also not including a student technology fee.



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Florida Board of Governors  
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Florida Statutes, which requires the Legislature to pay at least part of the fees of Bright Futures recipients. Section 1009.24(12)(g) expressly prohibits universities from charging for the cost of equipment replacement, repairs and maintenance. Section 1009.24(12)(n) cannot reasonably be interpreted to permit what sub-section (12)(g) disallows. No state university has explained how a student technology fee could be deemed related to specific activities, not required as a part of registration for courses, and unrelated to the cost of equipment replacement, repairs and maintenance, but if it could, statutory law does not conflict with the requirement that the Board of Governors approve the student fee as required in Rule 6C-7.003, Fla. Admin. Code.

*Conclusion*

State universities may not charge a mandatory student technology fee without Board of Governors' approval. State universities may not charge an optional student technology fee without Board of Governors' approval. Neither exists; thus, no state university may charge a student technology fee. Please let me know if we may be of any further assistance.

Sincerely,

Daniel Woodring, Esq.  
General Counsel  
Nathan A. Adams, IV, Ph.D., M.A., Esq.  
Deputy General Counsel

DW/NAA/clp

cc: All Florida University Presidents  
All Florida State University Board of Trustee Members  
All Florida University General Counsels