

# FLORIDA AGRICULTURAL AND MECHANICAL UNIVERSITY BOARD OF TRUSTEES



## NOTICE OF PROPOSED AMENDED REGULATION

**DATE:** June 3, 2024

**REGULATION CHAPTER NO.:** Chapter 3

**REGULATION CHAPTER TITLE:** Finance and Administration

**REGULATION TITLE AND NO:** Settlement of Delinquent Accounts; Collection and Returned Check/Electronic Payment Fees; Write-off of Uncollectible Accounts – 3.019

**SUMMARY OF REGULATION:** This Regulation is amended to comply with changes in Federal law and the State University System (SUS) of Florida Board of Governors (BOG) Regulation 7.002 on Tuition and Fee Assessment, Collection, Accounting and Remittance. The update clarifies and incorporates the consequences for delinquent accounts as it relates to the suspension of registration and removes the language as it relates to withholding transcripts. In addition, the revisions codify statutory requirements and University practices and place constituents on notice about the consequences of delinquent accounts. Technical (grammatical, punctuation) changes are also made.

**AUTHORITY FOR REGULATION:** Article IX, Section 7(c), Florida Constitution, Board of Governors Regulations 1.001, 7.001, 7.002 and 7.003, Sections 68.065, 832.07, 1009.24, 1009.95, 1010.03, Florida Statutes.

**UNIVERSITY OFFICIAL INITIATING THIS REGULATION:** W. Rebecca Brown, Sr. Vice President for Finance and Administration/Chief Financial Officer.

**PROCEDURE FOR COMMENTS:** Written comments concerning this proposed regulation shall be submitted within 14 days of the date of this notice to the person identified below. The comments must specifically identify the regulation you are commenting on.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS:** D’Andrea Cotton, M. Ed, Associate Controller, Student Financial Services, CASS Building, 1735 Wahnish Way, Suite 103, Tallahassee FL 32307, (850) 412-5036, [deandrea.cotton@famu.edu](mailto:deandrea.cotton@famu.edu).

**FULL TEXT OF THE PROPOSED REGULATION:** The full text of this amended regulation follows:

## Florida Agricultural and Mechanical University Regulation



### 3.019 Settlement of Delinquent Accounts; Collection and Returned Check/ Electronic Payment Fees; Write-off of Uncollectible Accounts.

(1) The University shall use due diligence and make every effort in the collection of all accounts owed to the University by employees, students, vendors and other parties.

(2) In accordance with Section 1010.03, Florida Statutes, the University may also implement set-off procedures, payroll deductions and restrictions on access to diplomas, ~~transcripts~~ and other resources and services of the University to collect delinquent accounts. The University President or President's designee is authorized to establish procedures governing the provisions herein.

(3) Returned Check/Electronic Payment Fee –

(a) When a check or electronic payment (the making, drawing, uttering, or delivery of a check, draft, or order) is returned uncollected for any fee, tuition, service or item provided by the University, it may be considered to be a delinquent account with the University.

(b) Pursuant to Section 832.07, Florida Statutes, employees, students, vendors and other parties will have 15 days from the date of the notice, to submit payment of the full amount of the returned check plus a service charge of \$25, if the face value does not exceed \$50; \$30, if the face value exceeds \$50 but does not exceed \$300; \$40, if the face value exceeds \$300; or an amount of up to 5 percent (5%) of the face amount of the check, whichever is greater. Unless the due amount is paid in full within the time specified above, the University may turn over the dishonored check and all other available information relating to this incident to the state attorney for criminal prosecution.

(c) All payments for returned checks/electronic payments shall be remitted by cash, money order or cashier's check only.

(4) Employees. If an employee owes the University \$.01 or more for any ~~delinquent~~ account, returned check/electronic payment, or overpayment, after reasonable collection efforts have failed, the employee's wages are subject to set-off procedures or payroll deduction until the debt has been paid-in-full as well as other collections efforts authorized by law and University regulations.

(5) Students.

(a) If a student owes the University \$.01 or more for any ~~delinquent~~ account, returned check/electronic payment, overpayment in excess of a student refund, or collection fee, the student's ability to receive diplomas will be suspended until the debt has been paid in full,

unless otherwise approved by the President or President's designee.

(b) If a student owes the University \$500 or more for any delinquent account, overpayment in excess of a student refund, returned check/electronic payment or collection fee, the student's ability to register for classes will be suspended until the debt has been paid in full or arrangements for payment have been made, unless otherwise approved by the President or President's designee.

~~(c) If a student owes the University \$500.00 or more for any delinquent account, returned check/electronic payment or collection fee, the student's ability to receive transcripts will be suspended until the debt has been paid in full, unless otherwise approved by the President or President's designee.~~

(6) Vendors and Other Parties. Unless the amount owed is paid in full within the time specified in paragraph (e3)(b2), the University may turn over the dishonored check and all other available information relating to this incident to the state attorney for criminal prosecution. In addition, the vendor or other party may be additionally liable in a civil action for triple the amount of the check, but in no case less than \$50, together with the amount of the check, a service charge, court costs, reasonable attorney fees, and incurred bank fees, as provided in Section 68.065, Florida Statutes.

(7) Collections.

(a) The University may also employ the services of a collection agency when deemed advisable in collecting delinquent accounts or after reasonable efforts to collect the delinquent account have been exhausted.

(b) Collection Fee. If any delinquent account is sent to a collection agency, collection costs will be assessed for the collection agency fees and added to the outstanding balance due to the collection agency. In addition, the University shall assess a charge representing the reasonable cost of collection efforts to effect payment for overdue student loan accounts.

(8) The University reserves the right to require all delinquent accounts and collection fees to be paid by cash, money order or cashier's check.

(9) The University President may write-off or settle any uncollectible accounts owed to the University after all reasonable and lawful collection attempts have failed. All or a portion of late charges and/or collection costs may, at the discretion of the University President, be waived on institutional student loans if the borrower makes a lump sum payment of the entire amount of the outstanding principal and interest to settle an account.

*Specific Authority: Article IX, Section 7(c), Florida Constitution, BOG Regulation 1.001, 7.001, 7.002, 7.003-17.04, Sections 68.065, 832.07, ~~1001.74(11), (19)~~, 1009.24, 1009.95, 1010.03 FS. History- New 5 -24 -07, Amended and Technical Change (Formatting) 8-11-23, Amended xx-xx-24.*