

Bill No. CS for CS for SB 1924, 1st Eng.

Amendment No. 1 (for drafter's use only)

| <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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ORIGINAL STAMP BELOW

Representative(s) Casey, Wise, Garcia, Villalobos, and Chestnut offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Paragraph (a) of subsection (2) of section 121.35, Florida Statutes, 1998 Supplement, is amended to read:

121.35 Optional retirement program for the State University System.--

(2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL PROGRAM.--

(a) Participation in the optional retirement program provided by this section shall be limited to persons who are otherwise eligible for membership in the Florida Retirement System; who are employed or appointed for no less than one academic year; and who are employed in one of the following State University System positions:

1. Positions classified as instructional and research faculty which are exempt from the career service under the

1 provisions of s. 110.205(2)(d).

2 2. Positions classified as administrative and
3 professional which are exempt from the career service under
4 the provisions of s. 110.205(2)(d)., ~~provided that only those~~
5 ~~positions that are included in the State University System~~
6 ~~Executive Service, or those which the division determines meet~~
7 ~~the following criteria, shall be eligible to participate: The~~
8 ~~duties and responsibilities of the position shall include~~
9 ~~either the formulation, interpretation, or implementation of~~
10 ~~academic policies, or the performance of functions which are~~
11 ~~unique or specialized within higher education and which~~
12 ~~frequently involve the support of the academic mission of the~~
13 ~~university; and recruiting to fill vacancies in the position~~
14 ~~shall be conducted within the national or regional market.~~
15 ~~The employer shall submit an application, including a~~
16 ~~certification that the position meets the criteria for~~
17 ~~eligibility, to the division for each administrative and~~
18 ~~professional position not in the Executive Service for which~~
19 ~~it seeks eligibility for the optional retirement program.~~

20 3. The Chancellor and the university presidents.

21 Section 2. Paragraph (c) of subsection (4) of section
22 239.117, Florida Statutes, 1998 Supplement, is amended to
23 read:

24 239.117 Postsecondary student fees.--

25 (4) The following students are exempt from the payment
26 of registration, matriculation, and laboratory fees:

27 (c) A student for whom the state is paying a foster
28 care board payment pursuant to s. 409.145(3) or pursuant to
29 parts II and III of chapter 39, for whom the permanency
30 planning goal pursuant to part III of chapter 39 is long-term
31 foster care or independent living, or who is adopted from the

1 Department of Children and Family Services after May 5
2 ~~December 31~~, 1997. Such exemption includes fees associated
3 with enrollment in vocational-preparatory instruction and
4 completion of the college-level communication and computation
5 skills testing program. Such exemption shall be available to
6 any student adopted from the Department of Children and Family
7 Services after May 5 ~~December 31~~, 1997; however, the exemption
8 shall be valid for no more than 4 years after the date of
9 graduation from high school.

10 Section 3. Section 240.156, Florida Statutes, is
11 amended to read:

12 240.156 State University System Concurrency Trust
13 Fund.--Notwithstanding any other provision of law, the general
14 revenue service charge deducted pursuant to s. 215.20 on
15 revenues raised by any local option motor fuel tax levied
16 pursuant to s. 336.025(1)(b), as created by chapter 93-206,
17 Laws of Florida, or similar legislation, shall be deposited in
18 the State University System Concurrency Trust Fund, which is
19 hereby created. Moneys in such trust fund shall be for the
20 purpose of funding State University System offsite
21 improvements required to meet concurrency standards adopted
22 under part II of chapter 163. In addition, in any year in
23 which campus master plans are updated pursuant to s. 240.155,
24 but no more frequently than once every 5 years, up to 25
25 percent of the balance in the trust fund for that year may be
26 used to defray the costs incurred in updating those campus
27 master plans.

28 Section 4. Subsection (10) is added to section
29 240.209, Florida Statutes, 1998 Supplement, to read:

30 240.209 Board of Regents; powers and duties.--
31 (10) No school, college, or center at a state

1 university shall be named for a living person unless approved
2 by the Board of Regents.

3 Section 5. Paragraph (a) of subsection (5) of section
4 240.235, Florida Statutes, 1998 Supplement, is amended and
5 subsection (11) is added to that section to read:

6 240.235 Fees.--

7 (5)(a) Any student for whom the state is paying a
8 foster care board payment pursuant to s. 409.145(3) or parts
9 II and III of chapter 39, for whom the permanency planning
10 goal pursuant to part III of chapter 39 is long-term foster
11 care or independent living, or who is adopted from the
12 Department of Children and Family Services after May 5
13 ~~December 31~~, 1997, shall be exempt from the payment of all
14 undergraduate fees, including fees associated with enrollment
15 in college-preparatory instruction or completion of
16 college-level communication and computation skills testing
17 programs. Before a fee exemption can be given, the student
18 shall have applied for and been denied financial aid, pursuant
19 to s. 240.404, which would have provided, at a minimum,
20 payment of all undergraduate fees. Such exemption shall be
21 available to any student adopted from the Department of
22 Children and Family Services after May 5 ~~December 31~~, 1997;
23 however, the exemption shall be valid for no more than 4 years
24 after the date of graduation from high school.

25 (11) Students who are enrolled in Programs in Medical
26 Sciences are considered graduate students for the purpose of
27 enrollment and student fees.

28 Section 6. Paragraph (a) of subsection (2) of section
29 240.35, Florida Statutes, 1998 Supplement, is amended to read:

30 240.35 Student fees.--Unless otherwise provided, the
31 provisions of this section apply only to fees charged for

1 college credit instruction leading to an associate in arts
2 degree, an associate in applied science degree, or an
3 associate in science degree and noncollege credit
4 college-preparatory courses defined in s. 239.105.

5 (2)(a) Any student for whom the state is paying a
6 foster care board payment pursuant to s. 409.145(3) or parts
7 II and III of chapter 39, for whom the permanency planning
8 goal pursuant to part III of chapter 39 is long-term foster
9 care or independent living, or who is adopted from the
10 Department of Children and Family Services after May 5
11 ~~December 31~~, 1997, shall be exempt from the payment of all
12 undergraduate fees, including fees associated with enrollment
13 in college-preparatory instruction or completion of the
14 college-level communication and computation skills testing
15 program. Before a fee exemption can be given, the student
16 shall have applied for and been denied financial aid, pursuant
17 to s. 240.404, which would have provided, at a minimum,
18 payment of all student fees. Such exemption shall be available
19 to any student adopted from the Department of Children and
20 Family Services after May 5 ~~December 31~~, 1997; however, the
21 exemption shall be valid for no more than 4 years after the
22 date of graduation from high school.

23 Section 7. Subsection (12) of section 240.227, Florida
24 Statutes, 1998 Supplement, is amended to read:

25 240.227 University presidents; powers and duties.--The
26 president is the chief administrative officer of the
27 university and is responsible for the operation and
28 administration of the university. Each university president
29 shall:

30 (12) Approve and execute contracts for the acquisition
31 of commodities, goods, equipment, services, leases of real and

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1 personal property, and construction to be rendered to or by
2 the university, provided such contracts are made pursuant to
3 rules of the Board of Regents, are for the implementation of
4 approved programs of the university, and do not require
5 expenditures in excess of \$1 million. The acquisition may be
6 made by installment or lease-purchase contract. Such
7 contracts may provide for the payment of interest on the
8 unpaid portion of the purchase price. Notwithstanding any
9 other provisions of this subsection, university presidents
10 shall comply with the provisions of s. 287.055 for the
11 procurement of professional services and may approve and
12 execute all contracts for planning, construction, and
13 equipment for projects with building programs and construction
14 budgets approved by the Board of Regents. For the purposes of
15 a university president's contracting authority, a "continuing
16 contract" for professional services under the provisions of s.
17 287.055 is one in which construction costs do not exceed \$1
18 million or the fee for study activity does not exceed
19 \$100,000.

20 Section 8. Subsection (8) is added to section 240.233,
21 Florida Statutes, 1998 Supplement, to read:

22 240.233 Universities; admissions of students.--Each
23 university shall govern admissions of students, subject to
24 this section and rules of the Board of Regents.

25 (8) A Florida resident who is denied admission as an
26 undergraduate to a state university for failure to meet the
27 high school grade-point-average requirement may appeal the
28 decision to the university and request a recalculation of the
29 grade point average including in the revised calculation the
30 grades earned in up to three credits of advanced fine arts
31 courses. The university shall provide the student with a

1 description of the appeals process at the same time as
2 notification of the admissions decision. The university shall
3 recalculate the student's grade point average using the
4 additional courses and advise the student of any changes in
5 the student's admission status. For purposes of this section,
6 fine arts courses include courses in music, drama, painting,
7 sculpture, speech, debate, or a course in any art form that
8 requires manual dexterity. Advanced level fine arts courses
9 include fine arts courses identified in the course code
10 directory as Advanced Placement, pre-International
11 Baccalaureate, or International Baccalaureate, or fine arts
12 courses taken in the third or fourth year of a fine arts
13 curriculum.

14 Section 9. Paragraph (a) of subsection (1) of section
15 240.421, Florida Statutes, is amended to read:

16 240.421 Florida Council of Student Financial Aid
17 Advisors.--

18 (1) There is created the Florida Council of Student
19 Financial Aid Advisors for the purpose of advising the State
20 Board of Education, the Legislature, the Board of Regents, the
21 State Board of Community Colleges, and the Postsecondary
22 Education Planning Commission on policy matters related to
23 student financial aid.

24 (a) The council shall be composed of the Chancellor of
25 the State University System, or his or her designee, the
26 Executive Director of the Division of Community Colleges, or
27 his or her designee, the Executive Director of the Independent
28 Colleges and Universities of Florida, the Executive Director
29 of the Florida Association of Postsecondary Schools and
30 Colleges, or his or her designee, and 14 members who shall be
31 appointed by the Commissioner of Education. The membership of

1 the council appointed by the Commissioner of Education shall
2 include:

3 1. Two persons from the commercial financial community
4 in this state.

5 2. Two persons from the postsecondary education
6 community in this state who must be either the president,
7 chief academic officer, or principal administrator for student
8 services of a postsecondary educational institution.

9 3. Two practicing financial aid administrators for
10 accredited private postsecondary institutions in this state.

11 4. Two practicing financial aid administrators for
12 public community colleges in this state.

13 5. Two practicing financial aid administrators for
14 state universities in this state.

15 6. Two practicing financial aid administrators for
16 degree career education centers in this state, one of whom
17 shall represent proprietary schools.

18 7. One lay citizen who does not derive a majority of
19 his or her income from education or the commercial financial
20 field.

21 8. One full-time student enrolled in postsecondary
22 education in this state.

23 Section 10. Subsection (4) of section 413.613, Florida
24 Statutes, is amended to read:

25 413.613 Brain and Spinal Cord Injury Rehabilitation
26 Trust Fund.--

27 (4) The Board of Regents shall establish a program
28 administration review process ~~and may allocate up to \$10,000~~
29 ~~of such funds for an overall program review~~ which shall would
30 include: an annual ~~a~~ prospective program plan with goals,
31 research design, ~~and~~ proposed outcomes, a proposed budget, and

1 an annual report of research activities and findings, and an
2 annual end-of-year financial statement. Prospective program
3 plans shall be submitted to the Board of Regents, and funds
4 shall be released upon acceptance of the proposed program
5 plans. The annual report of research activities and findings
6 shall be submitted to the Board of Regents, with the executive
7 summaries submitted to the President of the Senate, the
8 Speaker of the House of Representatives, and the secretary of
9 the Department of Labor and Employment Security.

10 Section 11. For the sole purpose of teaching the
11 principles and methods of engineering design, notwithstanding
12 the provisions of section 471.005(6), Florida Statutes, a
13 person employed by a public postsecondary educational
14 institution, or by an independent postsecondary educational
15 institution licensed or exempt from licensure pursuant to the
16 provisions of chapter 246, Florida Statutes, is not required
17 to register under the provisions of sections 471.001-471.037,
18 Florida Statutes, as a registered engineer.

19 Section 12. Section 240.5335, Florida Statutes, is
20 repealed.

21 Section 13. Subsection (1) of section 240.207, Florida
22 Statutes, 1998 Supplement, is amended to read:

23 240.207 Board of Regents; appointment of members;
24 qualifications and terms of office.--

25 (1) The Board of Regents shall consist of the
26 Commissioner of Education and 13 citizens of this state who
27 shall be selected from the state at large, representative of
28 the geographical areas of the state; who shall have been
29 residents and citizens thereof for a period of at least 10
30 years prior to their appointment (one of whom shall be a
31 member registered as a full-time student in the State

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1 University System and who shall have been a resident of this
2 state for at least 5 years prior to appointment in lieu of the
3 10 years required of other members); and who shall be
4 appointed by the Governor, approved by three members of the
5 Cabinet, and confirmed by the Senate. However, no appointee
6 shall take office until after his or her appointment has been
7 approved by three members of the Cabinet. The State Board of
8 Education shall develop rules and procedures for review and
9 approval of the appointees. Except for the Commissioner of
10 Education and except for the full-time student member, who
11 shall serve for 1 year, the terms of office for the members of
12 the Board of Regents ~~appointed after the effective date of~~
13 ~~this act~~ shall be 6 ~~4~~ years and until their successors are
14 appointed and qualified, except in case of an appointment to
15 fill a vacancy, in which case the appointment shall be for the
16 unexpired term, and except as in this section otherwise
17 provided. No member shall be selected from any county to
18 serve with any other member from the same county, except that
19 not more than two members may be selected from a county which
20 has a population in excess of 900,000, and with the exceptions
21 of the student member, who shall be selected at large, and the
22 Commissioner of Education. The Governor shall fill all
23 vacancies, subject to the above approval and confirmation,
24 that may at any time occur on the board.

25 Section 14. There is hereby appropriated \$200,000 from
26 the General Revenue Fund to the University of Miami, School of
27 Medicine, Office of Minority Affairs for Fiscal Year
28 1999-2000.

29 Section 15. Florida State University and the Florida
30 Department of Environmental Protection shall conduct a study
31 of the feasibility of creating the Florida Geoscience Center

1 in Tallahassee. The findings and recommendations of the study
2 shall be forwarded to the Speaker of the House of
3 Representatives, President of the Senate, and the Governor by
4 January 15, 2000.

5 Section 16. Section 243.19, Florida Statutes, is
6 amended to read:

7 243.19 Findings and declaration of necessity.--It is
8 declared that for the benefit of the people of the state, the
9 increase of their commerce, welfare, and prosperity, and the
10 improvement of their health and living conditions, it is
11 essential that this and future generations of youth be given
12 the fullest opportunity to learn and to develop their
13 intellectual and mental capacities; that it is essential that
14 institutions for higher education within each county in the
15 state be provided with appropriate additional means to assist
16 such youth in achieving the required levels of learning and
17 development of their intellectual and mental capacities;and
18 that it is the purpose of this part to provide a measure of
19 assistance and an alternate method to enable institutions of
20 higher education in each county of this state to provide the
21 facilities and structures which are sorely needed to
22 accomplish the purposes of this part; and that it is essential
23 to provide additional assistance to institutions for higher
24 education by enabling those institutions to coordinate their
25 budgetary needs with the timing of receipt of tuition revenues
26 in a manner similar to programs authorized for school
27 districts within the state. The necessity in the public
28 interest of the provisions hereinafter enacted is hereby
29 declared as a matter of legislative determination.

30 Section 17. Subsections (5) and (6) of section 243.20,
31 Florida Statutes, are amended and subsection (10) is added to

1 that section to read:

2 243.20 Definitions.--The following terms, wherever
3 used or referred to in this part shall have the following
4 respective meanings, unless a different meaning clearly
5 appears from the context:

6 (5) "Project" means a structure suitable for use as a
7 dormitory or other housing facility, dining hall, student
8 union, administration building, academic building, library,
9 laboratory, research facility, classroom, athletic facility,
10 health care facility, and maintenance, storage, or utility
11 facility, and other structures or facilities related thereto,
12 or required thereto, or required or useful for the instruction
13 of students, or the conducting of research, or the operation
14 of an institution for higher education, including parking and
15 other facilities or structures, essential or convenient for
16 the orderly conduct of such institution for higher education
17 and shall also include equipment and machinery and other
18 similar items necessary or convenient for the operation of a
19 particular facility or structure in the manner for which its
20 use is intended but shall not include such items as books,
21 fuel, supplies or other items which are customarily deemed to
22 result in a current operating charge. The term also includes a
23 loan in anticipation of tuition revenues by a private
24 institution for higher education.

25 (6) "Cost," as applied to a project or any portion
26 thereof financed under the provisions of this part, embraces
27 all or any part of the cost of construction and acquisition of
28 all lands, structures, real or personal property, rights,
29 rights-of-way, franchises, easements and interests acquired or
30 used for a project, the cost of demolishing or removing any
31 buildings or structures on land so acquired, including the

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1 cost of acquiring any lands to which such buildings or
2 structures may be removed, the cost of all machinery and
3 equipment, financing charges, interest prior to, during and
4 for a period of 30 months after completion of such
5 construction, provisions for working capital, reserves for
6 principal and interest and for extensions, enlargements,
7 additions and improvements, cost of engineering, financial and
8 legal services, plans, specifications, studies, surveys,
9 estimates of cost and of revenues, administrative expenses,
10 expenses necessary or incident to determining the feasibility
11 or practicability of constructing the project and such other
12 expenses as may be necessary or incident to the construction
13 and acquisition of the project, the financing of such
14 construction and acquisition and the placing of the project in
15 operation. In the case of a loan in anticipation of tuition
16 revenues, the term "cost" means the amount of the loan in
17 anticipation of revenues which does not exceed the amount of
18 tuition revenues anticipated to be received by the borrowing
19 institution for higher education in the 1-year period
20 following the date of the loan, plus costs related to the
21 issuance of the loans, or bonds, the proceeds of which fund
22 the loans, and any related cost of debt service reserve funds
23 associated therewith.

24 (10) "Loan in anticipation of tuition revenues" means
25 a loan to a private institution for higher education under
26 circumstances in which tuition revenues anticipated to be
27 received by the institution in any budget year are estimated
28 to be insufficient at any time during the budget year to pay
29 the operating expenses or other obligations of the institution
30 in accordance with the budget of the institution. The loans
31 are permitted within guidelines adopted by the authority

1 consistent with the provisions for similar loans undertaken by
2 school districts under s. 237.151, excluding provisions
3 applicable to the limitations on borrowings relating to the
4 levy of taxes and the adoption of budgets in accordance with
5 law applicable solely to school districts. The Florida
6 Resident Access Grant shall not be considered tuition revenues
7 for the purpose of calculating a loan to a private institution
8 pursuant to the provision of this chapter.

9 Section 18. Subsection (12) of section 243.22, Florida
10 Statutes, is amended to read:

11 243.22 Powers of authority.--The purpose of the
12 authority shall be to assist institutions for higher education
13 in the construction, financing, and refinancing of projects,
14 and for this purpose the authority is authorized and
15 empowered:

16 (12) To make loans to any participating institution
17 for higher education for the cost of a project, including a
18 loan in anticipation of tuition revenues, in accordance with
19 an agreement between the authority and the participating
20 institution for higher education; provided no such loan shall
21 exceed the total cost of the project as determined by the
22 participating institution for higher education and approved by
23 the authority.

24 Section 19. This act shall take effect July 1, 1999.

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27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 On page 1, line 3 through page 3 line 2,
30 remove from the title of the bill all of said lines:

31

1 and insert in lieu thereof:
2 amending s. 121.35, F.S.; revising eligibility
3 for participation in the optional retirement
4 program for the system; amending s. 239.117,
5 F.S.; providing a fee exemption for certain
6 postsecondary students; amending s. 240.156,
7 F.S.; allowing the use of moneys in the State
8 University System Concurrency Trust Fund to
9 defray the costs of updating campus master
10 plans; amending s. 240.209, F.S.; providing for
11 naming an entity within a state university for
12 a living person; amending s. 240.235, F.S.;
13 providing a fee exemption for certain students;
14 providing that students enrolled in Programs in
15 Medical Sciences are graduate students for
16 purposes of enrollment and fees; amending s.
17 240.35, F.S.; providing a fee exemption for
18 certain students; amending s. 240.227, F.S.;
19 defining the term "continuing contract" for
20 purposes of a university president's
21 contracting authority; amending s. 240.233,
22 F.S.; providing for the recalculation of
23 grade-point averages; amending s. 240.421,
24 F.S.; expanding the membership of the Florida
25 Council of Student Financial Aid Advisors;
26 amending s. 413.613, F.S.; requiring reports by
27 institutions receiving funds from the Brain and
28 Spinal Cord Injury Rehabilitation Trust Fund;
29 repealing provisions relating to the program
30 review process; providing an exemption from
31 registration as an engineer for certain

1 teachers; repealing s. 240.5335, F.S., relating
2 to the Women's Athletics Trust Fund; amending
3 s. 240.207, F.S.; revising the terms of office
4 of members of the Board of Regents; providing
5 an appropriation for the University of Miami,
6 School of Medicine, Office of Minority Affairs;
7 providing for a feasibility study regarding
8 creation of the Florida Geoscience Center in
9 Tallahassee; amending s. 243.19, F.S.;
10 providing findings for institutions for higher
11 education; amending s. 243.20, F.S.; redefining
12 the terms "project" and "cost"; defining the
13 term "loan in anticipation of tuition
14 revenues"; amending s.243.22, F.S.; authorizing
15 loans in anticipation fo tuition revenues;
16 providing an effective date.

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