

By Senators Grant, Dyer, Laurent, Holzendorf and Horne

13-1120-99

1 A bill to be entitled
2 An act relating to the State University System;
3 amending s. 121.35, F.S.; revising eligibility
4 for participation in the optional retirement
5 program for the system; amending s. 240.2093,
6 F.S.; providing a restriction on the issuance
7 of bonds by a direct-support organization;
8 amending s. 240.227, F.S.; defining the term
9 "continuing contract" for purposes of a
10 university president's contracting authority;
11 amending s. 240.289, F.S.; authorizing
12 institutions in the system to accept credit
13 cards and debit cards; authorizing those
14 institutions to absorb the costs of using such
15 cards; amending s. 240.299, F.S.; providing a
16 restriction on financing agreements by
17 direct-support organizations; amending s.
18 378.101, F.S.; revising financial restrictions
19 on the Florida Institute of Phosphate Research
20 and the Phosphate Research Trust Fund; amending
21 s. 381.0403, F.S.; transferring the program of
22 statewide medical education from the Board of
23 Regents to the Department of Health; amending
24 s. 413.613, F.S.; requiring reports by
25 institutions receiving funds from the Brain and
26 Spinal Cord Injury Rehabilitation Trust Fund;
27 repealing provisions relating to the program
28 review process; amending s. 471.005, F.S.;
29 redefining the term "engineering"; repealing s.
30 240.5335, F.S., relating to the Women's
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1 Athletics Trust Fund; providing an effective
2 date.

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4 Be It Enacted by the Legislature of the State of Florida:

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6 Section 1. Paragraph (a) of subsection (2) of section
7 121.35, Florida Statutes, 1998 Supplement, is amended to read:
8 121.35 Optional retirement program for the State
9 University System.--

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

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

18 1. Positions classified as instructional and research
19 faculty which are exempt from the career service under the
20 provisions of s. 110.205(2)(d).

21 2. Positions classified as administrative and
22 professional which are exempt from the career service under
23 the provisions of s. 110.205(2)(d)., ~~provided that only those~~
24 ~~positions that are included in the State University System~~
25 ~~Executive Service, or those which the division determines meet~~
26 ~~the following criteria, shall be eligible to participate: The~~
27 ~~duties and responsibilities of the position shall include~~
28 ~~either the formulation, interpretation, or implementation of~~
29 ~~academic policies, or the performance of functions which are~~
30 ~~unique or specialized within higher education and which~~
31 ~~frequently involve the support of the academic mission of the~~

1 ~~university; and recruiting to fill vacancies in the position~~
2 ~~shall be conducted within the national or regional market.~~
3 ~~The employer shall submit an application, including a~~
4 ~~certification that the position meets the criteria for~~
5 ~~eligibility, to the division for each administrative and~~
6 ~~professional position not in the Executive Service for which~~
7 ~~it seeks eligibility for the optional retirement program.~~

8 3. The Chancellor and the university presidents.

9 Section 2. Subsection (2) of section 240.2093, Florida
10 Statutes, is amended to read:

11 240.2093 Board of Regents; issuance of bonds pursuant
12 to s. 11(e), Art. VII, State Constitution.--

13 (2) The Board of Regents may approve the issuance of
14 ~~revenue bonds or other forms of indebtedness~~ by a
15 direct-support organization when such ~~revenue bonds or other~~
16 ~~forms of indebtedness~~ are used to finance or refinance capital
17 projects which are to provide facilities necessary and
18 desirable to serve the needs and purposes of the university,
19 as determined by the systemwide strategic plan adopted by the
20 Board of Regents, and, when the state will be asked for
21 operating funds or funds to purchase the facility, upon
22 approval of the project when the project has been approved by
23 the Legislature. Approval of such bonds is subject to s.
24 243.151.

25 Section 3. Subsection (12) of section 240.227, Florida
26 Statutes, 1998 Supplement, is amended to read:

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

1 (12) Approve and execute contracts for the acquisition
2 of commodities, goods, equipment, services, leases of real and
3 personal property, and construction to be rendered to or by
4 the university, provided such contracts are made pursuant to
5 rules of the Board of Regents, are for the implementation of
6 approved programs of the university, and do not require
7 expenditures in excess of \$1 million. The acquisition may be
8 made by installment or lease-purchase contract. Such
9 contracts may provide for the payment of interest on the
10 unpaid portion of the purchase price. Notwithstanding any
11 other provisions of this subsection, university presidents
12 shall comply with the provisions of s. 287.055 for the
13 procurement of professional services and may approve and
14 execute all contracts for planning, construction, and
15 equipment for projects with building programs and construction
16 budgets approved by the Board of Regents. For the purposes of
17 a university president's contracting authority, a "continuing
18 contract" for professional services under the provisions of s.
19 287.055 is one in which construction costs do not exceed \$1
20 million or the fee for study activity does not exceed
21 \$100,000.

22 Section 4. Section 240.289, Florida Statutes, is
23 amended to read:

24 240.289 Credit card, charge card, and debit card use
25 in university system; authority.--

26 (1) The several universities in the State University
27 System are authorized, pursuant to s. 215.322, to enter into
28 agreements and accept credit card, charge card, or debit card
29 payments as compensation for goods, services, tuition, and
30 fees in accordance with rules established by the Board of
31 Regents.

1 (2) In addition, the several universities are also
2 authorized to accept credit cards and debit cards for the
3 payment of tuition and fees without the imposition of a
4 convenience fee for such card services. The costs incurred by
5 the several universities in accepting credit cards and debit
6 cards may be absorbed by the universities as a cost of doing
7 business. The universities may use any source of
8 nonappropriated funds to cover the costs of accepting such
9 cards. Universities also may negotiate credit card contracts
10 and debit card contracts with financial institutions whereby a
11 compensating balance may be placed on deposit with the
12 financial institutions to cover the costs of accepting credit
13 cards and debit cards. The several universities may accept
14 credit card or debit card payments at any location where
15 compensation is received for goods, services, tuition, or
16 fees, whether the payor makes payment in person or by
17 electronic means.

18 Section 5. Subsection (5) of section 240.299, Florida
19 Statutes, 1998 Supplement, is amended to read:

20 240.299 Direct-support organizations; use of property;
21 board of directors; audit; facilities.--

22 (5) FACILITIES.--In addition to issuance of bonds
23 ~~indebtedness~~ pursuant to s. 240.2093(2), each direct-support
24 organization is authorized to enter into agreements to
25 finance, design and construct, lease, lease-purchase,
26 purchase, or operate facilities necessary and desirable to
27 serve the needs and purposes of the university, as determined
28 by the systemwide strategic plan adopted by the Board of
29 Regents, upon approval of such agreements by the Board of
30 Regents and, when the state will be asked for operating funds
31 or funds to purchase the facility, approval of the project by

1 the Legislature. Such agreements are subject to the provisions
2 of s. 243.151.

3 Section 6. Paragraph (i) of subsection (1) and
4 paragraph (f) of subsection (3) of section 378.101, Florida
5 Statutes, are amended to read:

6 378.101 Florida Institute of Phosphate Research.--

7 (1) There is created a Florida Institute of Phosphate
8 Research, which is empowered:

9 (i) To administer the Phosphate Research Trust Fund
10 and to expend funds therefrom for its administration and for
11 carrying out the purposes set forth in this section. The
12 Phosphate Research Trust Fund shall not be subject to the
13 service charge imposed pursuant to chapter 215.

14 (2) The institute may develop work products relating
15 to research which is subject to trademark, copyright, or
16 patent protection. Notwithstanding any law to the contrary,
17 the institute may:

18 (f) Do all acts necessary to exercise its powers and
19 perform its duties. Any action taken by the institute in
20 securing or exploiting such patents, copyrights, or trademarks
21 shall, within 30 days, be reported in writing to the
22 Department of State. Any proceeds received by the institute
23 under this subsection shall be deposited in an established
24 account of the not-for-profit foundation of the State
25 University System institution with administrative
26 responsibility for the institute ~~the Phosphate Research Trust~~
27 ~~Fund~~ for use consistent with ~~as provided by law~~ and the
28 mission of the institute.

29 Section 7. Paragraphs (a) and (b) of subsection (3),
30 subsection (4), paragraph (d) of subsection (5), and
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1 subsection (6) of section 381.0403, Florida Statutes, are
2 amended to read:

3 381.0403 The Community Hospital Education Act.--

4 (3) PROGRAM FOR COMMUNITY HOSPITAL EDUCATION; STATE
5 AND LOCAL PLANNING.--

6 (a) There is established under the Department of
7 Health ~~Board of Regents~~ a program for statewide medical
8 education. It is intended that continuing medical education
9 programs for interns and residents be established on a
10 statewide basis. The program shall provide financial support
11 for interns and residents based on policies recommended and
12 approved by the Community Hospital Education Council, herein
13 established, and the Department of Health ~~Board of Regents~~.

14 (b) Medical institutions throughout the state may
15 apply to the Community Hospital Education Council for
16 grants-in-aid for financial support of their approved
17 programs. Recommendations for funding of approved programs
18 shall be forwarded to the Department of Health ~~Board of~~
19 ~~Regents~~.

20 (4) FAMILY PRACTICE RESIDENCIES.--In addition to the
21 programs established in subsection (3), the Community Hospital
22 Education Council and the Department of Health ~~Board of~~
23 ~~Regents~~ shall establish an ongoing statewide program of family
24 practice residencies. The administration of this program
25 shall be in the manner described in this section.

26 (5) COUNCIL AND DIRECTOR.--

27 (d) The Secretary of Health ~~Chancellor of the State~~
28 ~~University System~~ shall designate an administrator to serve as
29 staff director. The council shall elect a chair from among its
30 membership. Such other personnel as may be necessary to carry
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1 out the program shall be employed as authorized by the
2 Department of Health ~~Board of Regents~~.

3 (6) DEPARTMENT OF HEALTH ~~BOARD OF REGENTS~~;
4 STANDARDS.--

5 (a) The Department of Health ~~Board of Regents~~, with
6 recommendations from the council, shall establish standards
7 and policies for the use and expenditure of medical education
8 funds appropriated pursuant to subsection (7) for a program of
9 community hospital education. The board shall establish
10 requirements for hospitals to be qualified for participation
11 in the program which shall include, but not be limited to:

12 1. Submission of an educational plan and a training
13 schedule.

14 2. A determination by the council to ascertain that
15 each portion of the program of the hospital provides a high
16 degree of academic excellence and is accredited by the
17 Accreditation Council for Graduate Medical Education of the
18 American Medical Association or is accredited by the American
19 Osteopathic Association.

20 3. Supervision of the educational program of the
21 hospital by a physician who is not the hospital administrator.

22 (b) The Department of Health ~~Board of Regents~~ shall
23 periodically review the educational program provided by a
24 participating hospital to assure that the program includes a
25 reasonable amount of both formal and practical training and
26 that the formal sessions are presented as scheduled in the
27 plan submitted by each hospital.

28 Section 8. Subsections (3) and (4) of section 413.613,
29 Florida Statutes, are amended to read:

30 413.613 Brain and Spinal Cord Injury Rehabilitation
31 Trust Fund.--

1 (3) Annually, 5 percent of the revenues deposited
2 monthly in the fund pursuant to s. 318.21(2)(d) shall be
3 appropriated to the University of Florida and 5 percent to the
4 University of Miami for spinal cord injury and brain injury
5 research. The amount to be distributed to the universities
6 shall be calculated based on the deposits into the fund for
7 each quarter in the fiscal year, but may not exceed \$500,000
8 per university per year. Funds distributed under this
9 subsection shall be made in quarterly payments at the end of
10 each quarter during the fiscal year. Each university receiving
11 funding under this subsection shall produce an annual report
12 of research activities and findings, including an executive
13 summary, which must be submitted to the President of the
14 Senate, the Speaker of the House of Representatives, the
15 Secretary of the Department of Labor and Employment Security,
16 and the Board of Regents by September 1.

17 ~~(4) The Board of Regents shall establish a program~~
18 ~~review process and may allocate up to \$10,000 of such funds~~
19 ~~for an overall program review which would include: a~~
20 ~~prospective program plan with goals, research design and~~
21 ~~proposed outcomes, and an annual report of research activities~~
22 ~~and findings. Prospective program plans shall be submitted to~~
23 ~~the Board of Regents, and funds shall be released upon~~
24 ~~acceptance of the proposed program plans. The annual report of~~
25 ~~research activities and findings shall be submitted to the~~
26 ~~Board of Regents, with the executive summaries submitted to~~
27 ~~the President of the Senate, the Speaker of the House of~~
28 ~~Representatives, and the secretary of the Department of Labor~~
29 ~~and Employment Security.~~

30 Section 9. Subsection (6) of section 471.005, Florida
31 Statutes, is amended to read:

1 471.005 Definitions.--As used in ss. 471.001-471.037,
2 the term:
3 (6) "Engineering" includes the term "professional
4 engineering" and means any service or creative work, the
5 adequate performance of which requires engineering education,
6 training, and experience in the application of special
7 knowledge of the mathematical, physical, and engineering
8 sciences to such services or creative work as consultation,
9 investigation, evaluation, planning, and design of engineering
10 works and systems, planning the use of land and water,
11 ~~teaching of the principles and methods of engineering design,~~
12 engineering surveys, and the inspection of construction for
13 the purpose of determining in general if the work is
14 proceeding in compliance with drawings and specifications, any
15 of which embraces such services or work, either public or
16 private, in connection with any utilities, structures,
17 buildings, machines, equipment, processes, work systems,
18 projects, and industrial or consumer products or equipment of
19 a mechanical, electrical, hydraulic, pneumatic, or thermal
20 nature, insofar as they involve safeguarding life, health, or
21 property; and includes such other professional services as may
22 be necessary to the planning, progress, and completion of any
23 engineering services. A person who practices any branch of
24 engineering; who, by verbal claim, sign, advertisement,
25 letterhead, or card, or in any other way, represents himself
26 or herself to be an engineer or, through the use of some other
27 title, implies that he or she is an engineer or that he or she
28 is registered under ss. 471.001-471.037; or who holds himself
29 or herself out as able to perform, or does perform, any
30 engineering service or work or any other service designated by
31 the practitioner which is recognized as engineering shall be

1 construed to practice or offer to practice engineering within
2 the meaning and intent of ss. 471.001-471.037.

3 Section 10. Section 240.5335, Florida Statutes, is
4 repealed.

5 Section 11. This act shall take effect July 1, 1999.

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8 SENATE SUMMARY

9 Revises or repeals a varied assortment of provisions
10 relating to institutions in the State University System,
11 including powers of direct-support organizations,
12 contracting powers, acceptance of credit cards and debit
13 cards, deposit of moneys, and employee retirement
14 programs. (See bill for details.)
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