

By the Committees on Education; Governmental Oversight and Productivity; and Senators Grant, Dyer, Laurent, Holzendorf and Horne

304-2128A-99

1                                   A bill to be entitled  
2           An act relating to postsecondary education;  
3           amending s. 110.1099, F.S.; revising provisions  
4           relating to tuition waivers for state  
5           employees; amending s. 121.35, F.S.; revising  
6           eligibility for participation in the optional  
7           retirement program for the system; amending ss.  
8           239.117, 240.235, 240.35, F.S.; providing a fee  
9           exemption for certain postsecondary students;  
10          amending s. 240.156, F.S.; allowing the use of  
11          moneys in the State University System  
12          Concurrency Trust Fund to be used to defray the  
13          costs of updating campus master plans; amending  
14          s. 240.209, F.S.; providing requirements for  
15          certain tuition waivers; providing for naming  
16          an entity within a state university for a  
17          living person; amending s. 240.2093, F.S.;  
18          providing a restriction on the issuance of  
19          bonds by a direct-support organization;  
20          amending s. 240.227, F.S.; defining the term  
21          "continuing contract" for purposes of a  
22          university president's contracting authority;  
23          amending s. 240.233, F.S.; providing for the  
24          recalculation of grade-point averages; amending  
25          s. 240.2605, F.S.; modifying the Board of  
26          Regent's authority relating to the Trust Fund  
27          for Major Gifts; amending s. 240.271, F.S.;  
28          providing for funding for students enrolled at  
29          a state university using an employee fee  
30          waiver; amending s. 240.289, F.S.; authorizing  
31          institutions in the system to accept credit

1 cards and debit cards; authorizing those  
2 institutions to absorb the costs of using such  
3 cards; amending s. 240.299, F.S.; providing a  
4 restriction on financing agreements by  
5 direct-support organizations; amending s.  
6 240.409, F.S.; amending restrictions on the  
7 Florida Student Assistance Grant; amending s.  
8 240.4097, F.S.; amending restrictions on the  
9 Florida Student Assistance Grant; amending s.  
10 240.421, F.S.; expanding the membership of the  
11 Florida Council of Student Financial Aid  
12 Advisors; amending s. 243.19, F.S.; providing  
13 findings for institutions for higher education;  
14 amending s. 243.20, F.S.; redefining the terms  
15 "project" and "cost"; defining the term "loan  
16 in anticipation of tuition revenues"; amending  
17 s. 243.22, F.S.; authorizing loans in  
18 anticipation of tuition revenues; amending s.  
19 378.101, F.S.; revising financial restrictions  
20 on the Florida Institute of Phosphate Research  
21 and the Phosphate Research Trust Fund; amending  
22 s. 413.613, F.S.; requiring reports by  
23 institutions receiving funds from the Brain and  
24 Spinal Cord Injury Rehabilitation Trust Fund;  
25 repealing provisions relating to the program  
26 review process; providing an exemption from  
27 registration as an engineer for certain  
28 teachers; repealing s. 240.5335, F.S., relating  
29 to the Women's Athletics Trust Fund; providing  
30 an effective date.  
31

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

2  
3 Section 1. Subsection (1) of section 110.1099, Florida  
4 Statutes, 1998 Supplement, is amended, present subsections (2)  
5 through (5) of that section are renumbered as subsections (3)  
6 through (6), respectively, and a new subsection (2) is added  
7 to that section, to read:

8 110.1099 Education and training opportunities for  
9 state employees.--

10 (1) Education and training are an integral component  
11 in improving the delivery of services to the public.  
12 Recognizing that the application of productivity-enhancing  
13 technology and practice demand continuous educational and  
14 training opportunities, state employees may be authorized to  
15 receive ~~fundable tuition waivers on a space-available basis or~~  
16 ~~vouchers to attend work-related courses at public~~  
17 ~~universities. Student credit hours generated by state employee~~  
18 ~~fee waivers shall be fundable credit hours.~~

19 (2) Pursuant to provisions of the General  
20 Appropriations Act and the negotiated collective bargaining  
21 agreements between the Governor and the respective bargaining  
22 units, state agencies are authorized to issue waivers to  
23 full-time employees to permit such employees to enroll for up  
24 to 6 credit hours of tuition-free courses per term at a state  
25 university on a space-available basis.

26 Section 2. Paragraph (a) of subsection (2) of section  
27 121.35, Florida Statutes, 1998 Supplement, is amended to read:

28 121.35 Optional retirement program for the State  
29 University System.--

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

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

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

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

28 3. The Chancellor and the university presidents.

29 Section 3. Paragraph (c) of subsection (4) of section  
30 239.117, Florida Statutes, 1998 Supplement, is amended to  
31 read:

1           239.117 Postsecondary student fees.--

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

4           (c) A student for whom the state is paying a foster  
5 care board payment pursuant to s. 409.145(3) or pursuant to  
6 parts II and III of chapter 39, for whom the permanency  
7 planning goal pursuant to part III of chapter 39 is long-term  
8 foster care or independent living, or who is adopted from the  
9 Department of Children and Family Services after May 5  
10 ~~December 31~~, 1997. Such exemption includes fees associated  
11 with enrollment in vocational-preparatory instruction and  
12 completion of the college-level communication and computation  
13 skills testing program. Such exemption shall be available to  
14 any student adopted from the Department of Children and Family  
15 Services after May 5 ~~December 31~~, 1997; however, the exemption  
16 shall be valid for no more than 4 years after the date of  
17 graduation from high school.

18           Section 4. Section 240.156, Florida Statutes, is  
19 amended to read:

20           240.156 State University System Concurrency Trust  
21 Fund.--Notwithstanding any other provision of law, the general  
22 revenue service charge deducted pursuant to s. 215.20 on  
23 revenues raised by any local option motor fuel tax levied  
24 pursuant to s. 336.025(1)(b), as created by chapter 93-206,  
25 Laws of Florida, or similar legislation, shall be deposited in  
26 the State University System Concurrency Trust Fund, which is  
27 hereby created. Moneys in such trust fund shall be for the  
28 purpose of funding State University System offsite  
29 improvements required to meet concurrency standards adopted  
30 under part II of chapter 163. In addition, in any year in  
31 which campus master plans are updated pursuant to s. 240.155,

1 but no more frequently than once every 5 years, up to 25  
2 percent of the balance in the trust fund for that year may be  
3 used to defray the costs incurred in updating those campus  
4 master plans.

5 Section 5. Subsection (7) of section 240.209, Florida  
6 Statutes, 1998 Supplement, is amended, and subsection (10) is  
7 added to that section, to read:

8 240.209 Board of Regents; powers and duties.--

9 (7) Pursuant to provisions of the General  
10 Appropriations Act and negotiated collective bargaining  
11 agreements, the Board of Regents is authorized to permit  
12 full-time State University System employees ~~who meet academic~~  
13 ~~requirements~~ to enroll for up to 6 credit hours of  
14 tuition-free courses per term at a state university on a  
15 space-available basis.

16 (10) No school, college, or center at a state  
17 university shall be named for a living person unless approved  
18 by the Board of Regents.

19 Section 6. Paragraph (a) of subsection (5) of section  
20 240.235, Florida Statutes, 1998 Supplement, is amended to  
21 read:

22 240.235 Fees.--

23 (5)(a) Any student for whom the state is paying a  
24 foster care board payment pursuant to s. 409.145(3) or parts  
25 II and III of chapter 39, for whom the permanency planning  
26 goal pursuant to part III of chapter 39 is long-term foster  
27 care or independent living, or who is adopted from the  
28 Department of Children and Family Services after May 5  
29 ~~December 31, 1997,~~ shall be exempt from the payment of all  
30 undergraduate fees, including fees associated with enrollment  
31 in college-preparatory instruction or completion of

1 college-level communication and computation skills testing  
2 programs. Before a fee exemption can be given, the student  
3 shall have applied for and been denied financial aid, pursuant  
4 to s. 240.404, which would have provided, at a minimum,  
5 payment of all undergraduate fees. Such exemption shall be  
6 available to any student adopted from the Department of  
7 Children and Family Services after May 5 ~~December 31~~, 1997;  
8 however, the exemption shall be valid for no more than 4 years  
9 after the date of graduation from high school.

10 Section 7. Paragraph (a) of subsection (2) of section  
11 240.35, Florida Statutes, 1998 Supplement, is amended to read:

12 240.35 Student fees.--Unless otherwise provided, the  
13 provisions of this section apply only to fees charged for  
14 college credit instruction leading to an associate in arts  
15 degree, an associate in applied science degree, or an  
16 associate in science degree and noncollege credit  
17 college-preparatory courses defined in s. 239.105.

18 (2)(a) Any student for whom the state is paying a  
19 foster care board payment pursuant to s. 409.145(3) or parts  
20 II and III of chapter 39, for whom the permanency planning  
21 goal pursuant to part III of chapter 39 is long-term foster  
22 care or independent living, or who is adopted from the  
23 Department of Children and Family Services after May 5  
24 ~~December 31~~, 1997, shall be exempt from the payment of all  
25 undergraduate fees, including fees associated with enrollment  
26 in college-preparatory instruction or completion of the  
27 college-level communication and computation skills testing  
28 program. Before a fee exemption can be given, the student  
29 shall have applied for and been denied financial aid, pursuant  
30 to s. 240.404, which would have provided, at a minimum,  
31 payment of all student fees. Such exemption shall be available

1 to any student adopted from the Department of Children and  
2 Family Services after December 31, 1997; however, the  
3 exemption shall be valid for no more than 4 years after the  
4 date of graduation from high school.

5 Section 8. Subsection (2) of section 240.2093, Florida  
6 Statutes, is amended to read:

7 240.2093 Board of Regents; issuance of bonds pursuant  
8 to s. 11(e), Art. VII, State Constitution.--

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

21 Section 9. Subsection (12) of section 240.227, Florida  
22 Statutes, 1998 Supplement, is amended to read:

23 240.227 University presidents; powers and duties.--The  
24 president is the chief administrative officer of the  
25 university and is responsible for the operation and  
26 administration of the university. Each university president  
27 shall:

28 (12) Approve and execute contracts for the acquisition  
29 of commodities, goods, equipment, services, leases of real and  
30 personal property, and construction to be rendered to or by  
31 the university, provided such contracts are made pursuant to



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

18 Section 10. Subsection (8) is added to section  
19 240.233, Florida Statutes, 1998 Supplement, to read:

20 240.233 Universities; admissions of students.--Each  
21 university shall govern admissions of students, subject to  
22 this section and rules of the Board of Regents.

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

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

12           Section 11. Subsections (1), (2), and (3) of section  
13 240.2605, Florida Statutes, 1998 Supplement, are amended to  
14 read:

15           240.2605 Trust Fund for Major Gifts.--

16           (1) There is established a Trust Fund for Major Gifts.  
17 The purpose of the trust fund is to enable the Board of  
18 Regents Foundation, each university, and New College to  
19 provide donors with an incentive in the form of matching  
20 grants for donations for the establishment of permanent  
21 endowments, which must be invested, with the proceeds of the  
22 investment used to support libraries and instruction and  
23 research programs, as defined by procedure of the Board of  
24 Regents. All funds appropriated for the challenge grants, new  
25 donors, major gifts, or eminent scholars program must be  
26 deposited into the trust fund and invested pursuant to s.  
27 18.125 until the Board of Regents allocates the funds to  
28 universities to match private donations. Notwithstanding s.  
29 216.301 and pursuant to s. 216.351, any undisbursed balance  
30 remaining in the trust fund and interest income accruing to  
31 the portion of the trust fund which is not matched and

1 distributed to universities must remain in the trust fund and  
2 be used to increase the total funds available for challenge  
3 grants. ~~The Board of Regents may authorize any university to~~  
4 ~~encumber the state matching portion of a challenge grant from~~  
5 ~~funds available under s. 240.272.~~

6 (2) The Board of Regents shall specify the process for  
7 submission, documentation, and approval of requests for  
8 matching funds, accountability for endowments and proceeds of  
9 endowments, allocations to universities, restrictions on the  
10 use of the proceeds from endowments, and criteria used in  
11 determining the value of donations. However, the Board of  
12 Regents may set restrictions on the annual amount of matching  
13 funds provided for single donating that exceeds \$2 million.

14 (3)(a) The Board of Regents shall allocate the amount  
15 appropriated to the trust fund to the Board of Regents  
16 Foundation, each university, and New College based on the  
17 amount of the donation and the restrictions applied to the  
18 donation.

19 (b) Donations for a specific purpose must be matched  
20 in the following manner:

21 1. The Board of Regents Foundation and each university  
22 that raises at least \$100,000 but no more than \$599,999 from a  
23 private source must receive a matching grant equal to 50  
24 percent of the private contribution.

25 2. The Board of Regents Foundation and each university  
26 that raises a contribution of at least \$600,000 but no more  
27 than \$1 million from a private source must receive a matching  
28 grant equal to 70 percent of the private contribution.

29 3. The Board of Regents Foundation and each university  
30 that raises a contribution in excess of \$1 million but no more  
31 than \$1.5 million from a private source must receive a

1 matching grant equal to 75 percent of the private  
2 contribution.

3 4. The Board of Regents Foundation and each university  
4 that raises a contribution in excess of \$1.5 million but no  
5 more than \$2 million from a private source must receive a  
6 matching grant equal to 80 percent of the private  
7 contribution.

8 5. The Board of Regents Foundation and each university  
9 that raises a contribution in excess of \$2 million from a  
10 private source must receive a matching grant equal to 100  
11 percent of the private contribution.

12 ~~(c) The Board of Regents shall encumber state matching~~  
13 ~~funds for any pledged contributions, pro rata, based on the~~  
14 ~~requirements for state matching funds as specified for the~~  
15 ~~particular challenge grant and the amount of the private~~  
16 ~~donations actually received by the university or Board of~~  
17 ~~Regents Foundation for the respective challenge grant.~~

18 Section 12. Subsection (7) is added to section  
19 240.271, Florida Statutes, to read:

20 240.271 State University System; funding.--

21 (7) Student credit hours generated by a student using  
22 an employee fee waiver issued pursuant to the provisions of s.  
23 110.1099 or s. 240.209 shall be funded as provided in the  
24 General Appropriations Act.

25 Section 13. Section 240.289, Florida Statutes, is  
26 amended to read:

27 240.289 Credit card, charge card, and debit card use  
28 in university system; authority.--

29 (1) The several universities in the State University  
30 System are authorized, pursuant to s. 215.322, to enter into  
31 agreements and accept credit card, charge card, or debit card

1 payments as compensation for goods, services, tuition, and  
2 fees in accordance with rules established by the Board of  
3 Regents.

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

22 Section 14. Subsection (5) of section 240.299, Florida  
23 Statutes, 1998 Supplement, is amended to read:

24 240.299 Direct-support organizations; use of property;  
25 board of directors; audit; facilities.--

26 (5) FACILITIES.--In addition to issuance of bonds  
27 ~~indebtedness~~ pursuant to s. 240.2093(2), each direct-support  
28 organization is authorized to enter into agreements to  
29 finance, design and construct, lease, lease-purchase,  
30 purchase, or operate facilities necessary and desirable to  
31 serve the needs and purposes of the university, as determined

1 by the systemwide strategic plan adopted by the Board of  
2 Regents, upon approval of such agreements by the Board of  
3 Regents and, when the state will be asked for operating funds  
4 or funds to purchase the facility, approval of the project by  
5 the Legislature. Such agreements are subject to the provisions  
6 of s. 243.151.

7 Section 15. Effective July 1, 1999, paragraph (a) of  
8 subsection (2) of section 240.409, Florida Statutes, as  
9 amended by section 46 of chapter 98-421, Laws of Florida, is  
10 amended to read:

11 240.409 Florida Public Student Assistance Grant  
12 Program; eligibility for grants.--

13 (2)(a) State student assistance grants through the  
14 program may be made only to full-time degree-seeking students  
15 who meet the general requirements for student eligibility as  
16 provided in s. 240.404, except as otherwise provided in this  
17 section. Such grants shall be awarded annually for the amount  
18 of demonstrated unmet need for the cost of education and may  
19 not exceed an amount equal to the average prior academic year  
20 cost of matriculation fees and other registration fees for 30  
21 credit hours at state universities or such other amount as  
22 specified in the General Appropriations Act, to any recipient.  
23 A demonstrated unmet need of less than \$200 shall render the  
24 applicant ineligible for a state student assistance grant.  
25 Recipients of such grants must have been accepted at a state  
26 university or community college authorized by Florida law. No  
27 student shall receive the Florida Student Assistance Grant  
28 beyond 150 percent of the number of credit hours required to  
29 complete the program. Eligibility for the renewal of the  
30 Florida Student Assistance Grant shall be evaluated at the end  
31 of the second semester or third quarter of each academic year.

1 As a condition for renewal, a student shall meet the  
2 institution's established standards of academic progress for  
3 financial aid purposes.~~No student may receive an award for~~  
4 ~~more than the equivalent of 9 semesters or 14 quarters of~~  
5 ~~full-time enrollment, except as otherwise provided in s.~~  
6 ~~240.404(3).~~

7 Section 16. Effective July 1, 1999, paragraph (a) of  
8 subsection (2) of section 240.4097, Florida Statutes, as  
9 amended by section 48 of chapter 98-421, Laws of Florida, is  
10 amended to read:

11 240.4097 Florida Postsecondary Student Assistance  
12 Grant Program; eligibility for grants.--

13 (2)(a) Florida postsecondary student assistance grants  
14 through the State Student Financial Assistance Trust Fund may  
15 be made only to full-time degree-seeking students who meet the  
16 general requirements for student eligibility as provided in s.  
17 240.404, except as otherwise provided in this section. Such  
18 grants shall be awarded for the amount of demonstrated unmet  
19 need for tuition and fees and may not exceed an amount equal  
20 to the average prior academic year cost of matriculation and  
21 other registration fees for 30 credit hours at state  
22 universities plus \$1,000 per academic year, or as specified in  
23 the General Appropriations Act, to any applicant. A  
24 demonstrated unmet need of less than \$200 shall render the  
25 applicant ineligible for a Florida postsecondary student  
26 assistance grant. Recipients of such grants must have been  
27 accepted at a postsecondary institution that is located in the  
28 state and that is:

29 1. A private nursing diploma school approved by the  
30 Florida Board of Nursing; or

31

1           2. An institution either licensed by the State Board  
2 of Independent Colleges and Universities or exempt from  
3 licensure pursuant to s. 246.085(1)(a), excluding those  
4 institutions the students of which are eligible to receive a  
5 Florida private student assistance grant pursuant to s.  
6 240.4095.

7  
8 No student shall receive the Florida Postsecondary Student  
9 Assistance Grant beyond 150 percent of the number of credit  
10 hours required to complete the program. Eligibility for the  
11 renewal of the Florida Student Assistance Grant shall be  
12 evaluated at the end of the second semester or third quarter  
13 of each academic year. As a condition for renewal, a student  
14 shall meet the institution's established standards of academic  
15 progress for financial aid purposes.~~No student may receive an~~  
16 ~~award for more than the equivalent of 9 semesters or 14~~  
17 ~~quarters of full-time enrollment, except as otherwise provided~~  
18 ~~in s. 240.404(3).~~

19           Section 17. Paragraph (a) of subsection (1) of section  
20 240.421, Florida Statutes, is amended to read:

21           240.421 Florida Council of Student Financial Aid  
22 Advisors.--

23           (1) There is created the Florida Council of Student  
24 Financial Aid Advisors for the purpose of advising the State  
25 Board of Education, the Legislature, the Board of Regents, the  
26 State Board of Community Colleges, and the Postsecondary  
27 Education Planning Commission on policy matters related to  
28 student financial aid.

29           (a) The council shall be composed of the Chancellor of  
30 the State University System, or his or her designee, the  
31 Executive Director of the Community College System, or his or



1 her designee, the Executive Director of the Independent  
2 Colleges and Universities of Florida, or his or her designee,  
3 and 14 members who shall be appointed by the Commissioner of  
4 Education. The membership of the council appointed by the  
5 Commissioner of Education shall include:

6 1. Two persons from the commercial financial community  
7 in this state.

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

12 3. Two practicing financial aid administrators for  
13 accredited private postsecondary institutions in this state.

14 4. Two practicing financial aid administrators for  
15 public community colleges in this state.

16 5. Two practicing financial aid administrators for  
17 state universities in this state.

18 6. Two practicing financial aid administrators for  
19 degree career education centers in this state, one of whom  
20 shall represent proprietary schools.

21 7. One lay citizen who does not derive a majority of  
22 his or her income from education or the commercial financial  
23 field.

24 8. One full-time student enrolled in postsecondary  
25 education in this state.

26 Section 18. Section 243.19, Florida Statutes, is  
27 amended to read:

28 243.19 Findings and declaration of necessity.--It is  
29 declared that for the benefit of the people of the state, the  
30 increase of their commerce, welfare, and prosperity, and the  
31 improvement of their health and living conditions, it is

1 essential that this and future generations of youth be given  
2 the fullest opportunity to learn and to develop their  
3 intellectual and mental capacities; that it is essential that  
4 institutions for higher education within each county in the  
5 state be provided with appropriate additional means to assist  
6 such youth in achieving the required levels of learning and  
7 development of their intellectual and mental capacities;~~and~~  
8 that it is the purpose of this part to provide a measure of  
9 assistance and an alternate method to enable institutions of  
10 higher education in each county of this state to provide the  
11 facilities and structures which are sorely needed to  
12 accomplish the purposes of this part; and that it is essential  
13 to provide additional assistance to institutions for higher  
14 education by enabling those institutions to coordinate their  
15 budgetary needs with the timing of receipt of tuition revenues  
16 in a manner similar to programs authorized for school  
17 districts within the state. The necessity in the public  
18 interest of the provisions hereinafter enacted is hereby  
19 declared as a matter of legislative determination.

20 Section 19. Subsections (5) and (6) of section 243.20,  
21 Florida Statutes, are amended and subsection (10) is added to  
22 that section to read:

23 243.20 Definitions.--The following terms, wherever  
24 used or referred to in this part shall have the following  
25 respective meanings, unless a different meaning clearly  
26 appears from the context:

27 (5) "Project" means a structure suitable for use as a  
28 dormitory or other housing facility, dining hall, student  
29 union, administration building, academic building, library,  
30 laboratory, research facility, classroom, athletic facility,  
31 health care facility, and maintenance, storage, or utility

1 facility, and other structures or facilities related thereto,  
2 or required thereto, or required or useful for the instruction  
3 of students, or the conducting of research, or the operation  
4 of an institution for higher education, including parking and  
5 other facilities or structures, essential or convenient for  
6 the orderly conduct of such institution for higher education  
7 and shall also include equipment and machinery and other  
8 similar items necessary or convenient for the operation of a  
9 particular facility or structure in the manner for which its  
10 use is intended but shall not include such items as books,  
11 fuel, supplies or other items which are customarily deemed to  
12 result in a current operating charge. The term also includes a  
13 loan in anticipation of tuition revenues by an institution for  
14 higher education.

15 (6) "Cost," as applied to a project or any portion  
16 thereof financed under the provisions of this part, embraces  
17 all or any part of the cost of construction and acquisition of  
18 all lands, structures, real or personal property, rights,  
19 rights-of-way, franchises, easements and interests acquired or  
20 used for a project, the cost of demolishing or removing any  
21 buildings or structures on land so acquired, including the  
22 cost of acquiring any lands to which such buildings or  
23 structures may be removed, the cost of all machinery and  
24 equipment, financing charges, interest prior to, during and  
25 for a period of 30 months after completion of such  
26 construction, provisions for working capital, reserves for  
27 principal and interest and for extensions, enlargements,  
28 additions and improvements, cost of engineering, financial and  
29 legal services, plans, specifications, studies, surveys,  
30 estimates of cost and of revenues, administrative expenses,  
31 expenses necessary or incident to determining the feasibility

1 or practicability of constructing the project and such other  
2 expenses as may be necessary or incident to the construction  
3 and acquisition of the project, the financing of such  
4 construction and acquisition and the placing of the project in  
5 operation. In the case of a loan in anticipation of tuition  
6 revenues, the term "cost" means the amount of the loan in  
7 anticipation of revenues which does not exceed the amount of  
8 tuition revenues anticipated to be received by the borrowing  
9 institution for higher education in the 1-year period  
10 following the date of the loan, plus costs related to the  
11 issuance of the loans, or bonds, the proceeds of which fund  
12 the loans, and any related cost of debt service reserve funds  
13 associated therewith.

14 (10) "Loan in anticipation of tuition revenues" means  
15 a loan to an institution for higher education under  
16 circumstances in which tuition revenues anticipated to be  
17 received by the institution in any budget year are estimated  
18 to be insufficient at any time during the budget year to pay  
19 the operating expenses or other obligations of the institution  
20 in accordance with the budget of the institution. The loans  
21 are permitted within guidelines adopted by the authority  
22 consistent with the provisions for similar loans undertaken by  
23 school districts under s. 237.151, excluding provisions  
24 applicable to the limitations on borrowings relating to the  
25 levy of taxes and the adoption of budgets in accordance with  
26 law applicable solely to school districts.

27 Section 20. Subsection (12) of section 243.22, Florida  
28 Statutes, is amended to read:

29 243.22 Powers of authority.--The purpose of the  
30 authority shall be to assist institutions for higher education  
31 in the construction, financing, and refinancing of projects,

1 and for this purpose the authority is authorized and  
2 empowered:

3 (12) To make loans to any participating institution  
4 for higher education for the cost of a project, including a  
5 loan in anticipation of tuition revenues, in accordance with  
6 an agreement between the authority and the participating  
7 institution for higher education; provided no such loan shall  
8 exceed the total cost of the project as determined by the  
9 participating institution for higher education and approved by  
10 the authority.

11 Section 21. Paragraph (i) of subsection (1) and  
12 paragraph (f) of subsection (3) of section 378.101, Florida  
13 Statutes, are amended to read:

14 378.101 Florida Institute of Phosphate Research.--

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

17 (i) To administer the Phosphate Research Trust Fund  
18 and to expend funds therefrom for its administration and for  
19 carrying out the purposes set forth in this section. The  
20 Phosphate Research Trust Fund shall not be subject to the  
21 service charge imposed pursuant to chapter 215.

22 (2) The institute may develop work products relating  
23 to research which is subject to trademark, copyright, or  
24 patent protection. Notwithstanding any law to the contrary,  
25 the institute may:

26 (f) Do all acts necessary to exercise its powers and  
27 perform its duties. Any action taken by the institute in  
28 securing or exploiting such patents, copyrights, or trademarks  
29 shall, within 30 days, be reported in writing to the  
30 Department of State. Any proceeds received by the institute  
31 under this subsection shall be deposited in an established

1 account of the not-for-profit foundation of the State  
2 University System institution with administrative  
3 responsibility for the institute ~~the Phosphate Research Trust~~  
4 ~~Fund~~ for use consistent with ~~as provided by law~~ and the  
5 mission of the institute.

6 Section 22. Subsection (4) of section 413.613, Florida  
7 Statutes, is amended to read:

8 413.613 Brain and Spinal Cord Injury Rehabilitation  
9 Trust Fund.--

10 (4) The Board of Regents shall establish a program  
11 administration review process ~~and may allocate up to \$10,000~~  
12 ~~of such funds for an overall program review~~ which shall ~~would~~  
13 include: an annual ~~a~~ prospective program plan with goals,  
14 research design, ~~and~~ proposed outcomes, a proposed budget, ~~and~~  
15 an annual report of research activities and findings, ~~and an~~  
16 annual end-of-year financial statement. Prospective program  
17 plans shall be submitted to the Board of Regents, and funds  
18 shall be released upon acceptance of the proposed program  
19 plans. The annual report of research activities and findings  
20 shall be submitted to the Board of Regents, with the executive  
21 summaries submitted to the President of the Senate, the  
22 Speaker of the House of Representatives, and the secretary of  
23 the Department of Labor and Employment Security.

24 Section 23. For the sole purpose of teaching the  
25 principles and methods of engineering design, notwithstanding  
26 the provisions of section 471.005(6), Florida Statutes, a  
27 person employed by a public postsecondary educational  
28 institution, or by an independent postsecondary educational  
29 institution licensed or exempt from licensure pursuant to the  
30 provisions of chapter 246, Florida Statutes, is not required  
31

1 to register under the provisions of sections 471.001-471.037,  
2 Florida Statutes, as a registered engineer.

3 Section 24. Section 240.5335, Florida Statutes, is  
4 repealed.

5 Section 25. This act shall take effect upon becoming a  
6 law.

7  
8 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
9 COMMITTEE SUBSTITUTE FOR  
10 CS/SB 1924

11 The Committee Substitute for the Committee Substitute:

12 Provides that tuition waivers for employees of state agencies  
13 and the State University System will be funded as provided in  
14 the annual appropriations act and bargaining agreements  
15 negotiated among collective bargaining units.

16 Requires the Board of Regents to approve naming a school,  
17 college, or center for a living person.

18 Does not transfer the Statewide Medical Education Program from  
19 the Board of Regents to the Department of Health.

20 Does not delete a requirement that a person who teaches the  
21 principles and methods of engineering design must be an  
22 engineer. Instead, states that a person is not required to  
23 register as an engineer "for the sole purpose of teaching the  
24 principles and methods of engineering design."

25 Authorizes the Board of Regents to set restrictions on the  
26 annual amount of matching funds provided for a single donating  
27 that exceeds \$2 million, and deletes the authority for the  
28 board or an institution to encumber funds expected in state  
29 matching for major gifts.

30 Adds three ex officio members to the Florida Council of  
31 Student Financial Aid Advisors.

Increases eligibility for receipt of a Florida Public Student  
Assistance Grant or a Florida Postsecondary Student Assistance  
Grant to 150 percent of the length of the program.

Authorizes universities to use up to 25 percent of funds in  
the Concurrency Trust Fund for updating their campus master  
plans, but not more than one in every 5 years.