

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. 240.227, F.S.;
18 defining the term "continuing contract" for
19 purposes of a university president's
20 contracting authority; amending s. 240.233,
21 F.S.; providing for the recalculation of
22 grade-point averages; amending s. 240.2605,
23 F.S.; modifying the Board of Regent's authority
24 relating to the Trust Fund for Major Gifts;
25 amending s. 240.271, F.S.; providing for
26 funding for students enrolled at a state
27 university using an employee fee waiver;
28 amending s. 240.289, F.S.; authorizing
29 institutions in the system to accept credit
30 cards and debit cards; authorizing those
31 institutions to absorb the costs of using such

1 cards; amending s. 240.299, F.S.; providing a
2 restriction on financing agreements by
3 direct-support organizations; amending s.
4 240.409, F.S.; amending restrictions on the
5 Florida Student Assistance Grant; amending s.
6 240.4095, F.S.; revising restrictions on the
7 Florida Private Student Assistance Grant
8 Program; amending s. 240.4097, F.S.; amending
9 restrictions on the Florida Student Assistance
10 Grant; amending s. 240.421, F.S.; expanding the
11 membership of the Florida Council of Student
12 Financial Aid Advisors; amending s. 243.19,
13 F.S.; providing findings for institutions for
14 higher education; amending s. 243.20, F.S.;
15 redefining the terms "project" and "cost";
16 defining the term "loan in anticipation of
17 tuition revenues"; amending s. 243.22, F.S.;
18 authorizing loans in anticipation of tuition
19 revenues; amending s. 378.101, F.S.; revising
20 financial restrictions on the Florida Institute
21 of Phosphate Research and the Phosphate
22 Research Trust Fund; amending s. 413.613, F.S.;
23 requiring reports by institutions receiving
24 funds from the Brain and Spinal Cord Injury
25 Rehabilitation Trust Fund; repealing provisions
26 relating to the program review process;
27 providing an exemption from registration as an
28 engineer for certain teachers; repealing s.
29 240.5335, F.S., relating to the Women's
30 Athletics Trust Fund; amending s. 240.207,
31 F.S.; revising the terms of office of members

1 of the Board of Regents; providing an effective
2 date.

3
4 Be It Enacted by the Legislature of the State of Florida:

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

11 110.1099 Education and training opportunities for
12 state employees.--

13 (1) Education and training are an integral component
14 in improving the delivery of services to the public.

15 Recognizing that the application of productivity-enhancing
16 technology and practice demand continuous educational and
17 training opportunities, state employees may be authorized to
18 receive ~~fundable tuition waivers on a space-available basis or~~
19 vouchers to attend work-related courses at public
20 universities. ~~Student credit hours generated by state employee~~
21 ~~fee waivers shall be fundable credit hours.~~

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

29 Section 2. Paragraph (a) of subsection (2) of section
30 121.35, Florida Statutes, 1998 Supplement, is amended to read:

31

1 121.35 Optional retirement program for the State
2 University System.--

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

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

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

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

1 3. The Chancellor and the university presidents.

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

5 239.117 Postsecondary student fees.--

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

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

22 Section 4. Section 240.156, Florida Statutes, is
23 amended to read:

24 240.156 State University System Concurrency Trust
25 Fund.--Notwithstanding any other provision of law, the general
26 revenue service charge deducted pursuant to s. 215.20 on
27 revenues raised by any local option motor fuel tax levied
28 pursuant to s. 336.025(1)(b), as created by chapter 93-206,
29 Laws of Florida, or similar legislation, shall be deposited in
30 the State University System Concurrency Trust Fund, which is
31 hereby created. Moneys in such trust fund shall be for the

1 purpose of funding State University System offsite
2 improvements required to meet concurrency standards adopted
3 under part II of chapter 163. In addition, in any year in
4 which campus master plans are updated pursuant to s. 240.155,
5 but no more frequently than once every 5 years, up to 25
6 percent of the balance in the trust fund for that year may be
7 used to defray the costs incurred in updating those campus
8 master plans.

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

12 240.209 Board of Regents; powers and duties.--

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

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

23 Section 6. Paragraph (a) of subsection (5) of section
24 240.235, Florida Statutes, 1998 Supplement, is amended to
25 read:

26 240.235 Fees.--

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

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

14 Section 7. Paragraph (a) of subsection (2) of section
15 240.35, Florida Statutes, 1998 Supplement, is amended to read:

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

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

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

9 Section 8. Subsection (12) of section 240.227, Florida
10 Statutes, 1998 Supplement, is amended to read:

11 240.227 University presidents; powers and duties.--The
12 president is the chief administrative officer of the
13 university and is responsible for the operation and
14 administration of the university. Each university president
15 shall:

16 (12) Approve and execute contracts for the acquisition
17 of commodities, goods, equipment, services, leases of real and
18 personal property, and construction to be rendered to or by
19 the university, provided such contracts are made pursuant to
20 rules of the Board of Regents, are for the implementation of
21 approved programs of the university, and do not require
22 expenditures in excess of \$1 million. The acquisition may be
23 made by installment or lease-purchase contract. Such
24 contracts may provide for the payment of interest on the
25 unpaid portion of the purchase price. Notwithstanding any
26 other provisions of this subsection, university presidents
27 shall comply with the provisions of s. 287.055 for the
28 procurement of professional services and may approve and
29 execute all contracts for planning, construction, and
30 equipment for projects with building programs and construction
31 budgets approved by the Board of Regents. For the purposes of

1 a university president's contracting authority, a "continuing
2 contract" for professional services under the provisions of s.
3 287.055 is one in which construction costs do not exceed \$1
4 million or the fee for study activity does not exceed
5 \$100,000.

6 Section 9. Subsection (8) is added to section 240.233,
7 Florida Statutes, 1998 Supplement, to read:

8 240.233 Universities; admissions of students.--Each
9 university shall govern admissions of students, subject to
10 this section and rules of the Board of Regents.

11 (8) A Florida resident who is denied admission as an
12 undergraduate to a state university for failure to meet the
13 high school grade-point-average requirement may appeal the
14 decision to the university and request a recalculation of the
15 grade point average including in the revised calculation the
16 grades earned in up to three credits of advanced fine arts
17 courses. The university shall provide the student with a
18 description of the appeals process at the same time as
19 notification of the admissions decision. The university shall
20 recalculate the student's grade point average using the
21 additional courses and advise the student of any changes in
22 the student's admission status. For purposes of this section,
23 fine arts courses include courses in music, drama, painting,
24 sculpture, speech, debate, or a course in any art form that
25 requires manual dexterity. Advanced level fine arts courses
26 include fine arts courses identified in the course code
27 directory as Advanced Placement, pre-International
28 Baccalaureate, or International Baccalaureate, or fine arts
29 courses taken in the third or fourth year of a fine arts
30 curriculum.

31

1 Section 10. Subsections (1), (2), and (3) of section
2 240.2605, Florida Statutes, 1998 Supplement, are amended to
3 read:

4 240.2605 Trust Fund for Major Gifts.--

5 (1) There is established a Trust Fund for Major Gifts.
6 The purpose of the trust fund is to enable the Board of
7 Regents Foundation, each university, and New College to
8 provide donors with an incentive in the form of matching
9 grants for donations for the establishment of permanent
10 endowments, which must be invested, with the proceeds of the
11 investment used to support libraries and instruction and
12 research programs, as defined by procedure of the Board of
13 Regents. All funds appropriated for the challenge grants, new
14 donors, major gifts, or eminent scholars program must be
15 deposited into the trust fund and invested pursuant to s.
16 18.125 until the Board of Regents allocates the funds to
17 universities to match private donations. Notwithstanding s.
18 216.301 and pursuant to s. 216.351, any undisbursed balance
19 remaining in the trust fund and interest income accruing to
20 the portion of the trust fund which is not matched and
21 distributed to universities must remain in the trust fund and
22 be used to increase the total funds available for challenge
23 grants. ~~The Board of Regents may authorize any university to~~
24 ~~encumber the state matching portion of a challenge grant from~~
25 ~~funds available under s. 240.272.~~

26 (2) The Board of Regents shall specify the process for
27 submission, documentation, and approval of requests for
28 matching funds, accountability for endowments and proceeds of
29 endowments, allocations to universities, restrictions on the
30 use of the proceeds from endowments, and criteria used in
31 determining the value of donations. However, the Board of

1 Regents may set restrictions on the annual amount of matching
2 funds provided for single donating that exceeds \$2 million.

3 (3)(a) The Board of Regents shall allocate the amount
4 appropriated to the trust fund to the Board of Regents
5 Foundation, each university, and New College based on the
6 amount of the donation and the restrictions applied to the
7 donation.

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

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

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

18 3. The Board of Regents Foundation and each university
19 that raises a contribution in excess of \$1 million but no more
20 than \$1.5 million from a private source must receive a
21 matching grant equal to 75 percent of the private
22 contribution.

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

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

1 ~~(c) The Board of Regents shall encumber state matching~~
2 ~~funds for any pledged contributions, pro rata, based on the~~
3 ~~requirements for state matching funds as specified for the~~
4 ~~particular challenge grant and the amount of the private~~
5 ~~donations actually received by the university or Board of~~
6 ~~Regents Foundation for the respective challenge grant.~~

7 Section 11. Subsection (7) is added to section
8 240.271, Florida Statutes, to read:

9 240.271 State University System; funding.--

10 (7) Student credit hours generated by a student using
11 an employee fee waiver issued pursuant to the provisions of s.
12 110.1099 or s. 240.209 shall be funded as provided in the
13 General Appropriations Act.

14 Section 12. Section 240.289, Florida Statutes, is
15 amended to read:

16 240.289 Credit card, charge card, and debit card use
17 in university system; authority.--

18 (1) The several universities in the State University
19 System are authorized, pursuant to s. 215.322, to enter into
20 agreements and accept credit card, charge card, or debit card
21 payments as compensation for goods, services, tuition, and
22 fees in accordance with rules established by the Board of
23 Regents.

24 (2) In addition, the several universities are also
25 authorized to accept credit cards and debit cards for the
26 payment of tuition and fees without the imposition of a
27 convenience fee for such card services. The costs incurred by
28 the several universities in accepting credit cards and debit
29 cards may be absorbed by the universities as a cost of doing
30 business. The universities may use any source of
31 nonappropriated funds to cover the costs of accepting such

1 cards. Subject to approval by the State Treasurer,
2 universities also may negotiate credit card contracts and
3 debit card contracts with financial institutions whereby a
4 compensating balance may be placed on deposit with the
5 financial institutions to cover the costs of accepting credit
6 cards and debit cards. The several universities may accept
7 credit card or debit card payments at any location where
8 compensation is received for goods, services, tuition, or
9 fees, whether the payor makes payment in person or by
10 electronic means.

11 Section 13. Subsection (5) of section 240.299, Florida
12 Statutes, 1998 Supplement, is amended to read:

13 240.299 Direct-support organizations; use of property;
14 board of directors; audit; facilities.--

15 (5) FACILITIES.--In addition to issuance of bonds
16 ~~indebtedness~~ pursuant to s. 240.2093(2), each direct-support
17 organization is authorized to enter into agreements to
18 finance, design and construct, lease, lease-purchase,
19 purchase, or operate facilities necessary and desirable to
20 serve the needs and purposes of the university, as determined
21 by the systemwide strategic plan adopted by the Board of
22 Regents, upon approval of such agreements by the Board of
23 Regents and, when the state will be asked for operating funds
24 or funds to purchase the facility, approval of the project by
25 the Legislature. Such agreements are subject to the provisions
26 of s. 243.151.

27 Section 14. Effective July 1, 1999, paragraph (a) of
28 subsection (2) of section 240.409, Florida Statutes, as
29 amended by section 46 of chapter 98-421, Laws of Florida, is
30 amended to read:

31

1 240.409 Florida Public Student Assistance Grant
2 Program; eligibility for grants.--
3 (2)(a) State student assistance grants through the
4 program may be made only to full-time degree-seeking students
5 who meet the general requirements for student eligibility as
6 provided in s. 240.404, except as otherwise provided in this
7 section. Such grants shall be awarded annually for the amount
8 of demonstrated unmet need for the cost of education and may
9 not exceed an amount equal to the average prior academic year
10 cost of matriculation fees and other registration fees for 30
11 credit hours at state universities or such other amount as
12 specified in the General Appropriations Act, to any recipient.
13 A demonstrated unmet need of less than \$200 shall render the
14 applicant ineligible for a state student assistance grant.
15 Recipients of such grants must have been accepted at a state
16 university or community college authorized by Florida law. No
17 student shall receive the Florida Student Assistance Grant
18 beyond 110 percent of the number of credit hours required to
19 complete the program. Eligibility for the renewal of the
20 Florida Student Assistance Grant shall be evaluated at the end
21 of the second semester or third quarter of each academic year.
22 As a condition for renewal, a student shall meet the
23 institution's established standards of academic progress for
24 financial aid purposes.~~No student may receive an award for~~
25 ~~more than the equivalent of 9 semesters or 14 quarters of~~
26 ~~full-time enrollment, except as otherwise provided in s.~~
27 ~~240.404(3).~~

28 Section 15. Effective July 1, 1999, paragraph (a) of
29 subsection (2) of section 240.4095, Florida Statutes, as
30 amended by section 47 of chapter 98-421, Laws of Florida, is
31 amended to read:

1 240.4095 Florida Private Student Assistance Grant
2 Program; eligibility for grants.--

3 (2)(a) Florida private student assistance grants from
4 the State Student Financial Assistance Trust Fund may be made
5 only to full-time degree-seeking students who meet the general
6 requirements for student eligibility as provided in s.

7 240.404, except as otherwise provided in this section. Such
8 grants shall be awarded for the amount of demonstrated unmet
9 need for tuition and fees and may not exceed an amount equal
10 to the average matriculation and other registration fees for
11 30 credit hours at state universities plus \$1,000 per academic
12 year, or as specified in the General Appropriations Act, to
13 any applicant. A demonstrated unmet need of less than \$200
14 shall render the applicant ineligible for a Florida private
15 student assistance grant. Recipients of such grants must have
16 been accepted at a baccalaureate-degree-granting independent
17 nonprofit college or university, which is accredited by the
18 Commission on Colleges of the Southern Association of Colleges
19 and Schools and which is located in and chartered as a
20 domestic corporation by the state. No student shall receive
21 the Florida Private Student Assistance Grant beyond 110
22 percent of the number of credit hours required to complete the
23 program. Eligibility for the renewal of the Florida Student
24 Assistance Grant shall be evaluated at the end of the second
25 semester or third quarter of each academic year. As a
26 condition for renewal, a student shall meet the institution's
27 established standards of academic progress for financial aid
28 purposes.~~No student may receive an award for more than the~~
29 ~~equivalent of 9 semesters or 14 quarters of full-time~~
30 ~~enrollment, except as otherwise provided in s. 240.404(3).~~

31

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

5 240.4097 Florida Postsecondary Student Assistance
6 Grant Program; eligibility for grants.--

7 (2)(a) Florida postsecondary student assistance grants
8 through the State Student Financial Assistance Trust Fund may
9 be made only to full-time degree-seeking students who meet the
10 general requirements for student eligibility as provided in s.
11 240.404, except as otherwise provided in this section. Such
12 grants shall be awarded for the amount of demonstrated unmet
13 need for tuition and fees and may not exceed an amount equal
14 to the average prior academic year cost of matriculation and
15 other registration fees for 30 credit hours at state
16 universities plus \$1,000 per academic year, or as specified in
17 the General Appropriations Act, to any applicant. A
18 demonstrated unmet need of less than \$200 shall render the
19 applicant ineligible for a Florida postsecondary student
20 assistance grant. Recipients of such grants must have been
21 accepted at a postsecondary institution that is located in the
22 state and that is:

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

25 2. An institution either licensed by the State Board
26 of Independent Colleges and Universities or exempt from
27 licensure pursuant to s. 246.085(1)(a), excluding those
28 institutions the students of which are eligible to receive a
29 Florida private student assistance grant pursuant to s.
30 240.4095.

31

1 No student shall receive the Florida Postsecondary Student
2 Assistance Grant beyond 110 percent of the number of credit
3 hours required to complete the program. Eligibility for the
4 renewal of the Florida Student Assistance Grant shall be
5 evaluated at the end of the second semester or third quarter
6 of each academic year. As a condition for renewal, a student
7 shall meet the institution's established standards of academic
8 progress for financial aid purposes.~~No student may receive an~~
9 ~~award for more than the equivalent of 9 semesters or 14~~
10 ~~quarters of full-time enrollment, except as otherwise provided~~
11 ~~in s. 240.404(3).~~

12 Section 17. Paragraph (a) of subsection (1) of section
13 240.421, Florida Statutes, is amended to read:

14 240.421 Florida Council of Student Financial Aid
15 Advisors.--

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

22 (a) The council shall be composed of the Chancellor of
23 the State University System, or his or her designee, the
24 Executive Director of the Community College System, or his or
25 her designee, the Executive Director of the Independent
26 Colleges and Universities of Florida, or his or her designee,
27 and 14 members who shall be appointed by the Commissioner of
28 Education. The membership of the council appointed by the
29 Commissioner of Education shall include:

30 1. Two persons from the commercial financial community
31 in this state.

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

5 3. Two practicing financial aid administrators for
6 accredited private postsecondary institutions in this state.

7 4. Two practicing financial aid administrators for
8 public community colleges in this state.

9 5. Two practicing financial aid administrators for
10 state universities in this state.

11 6. Two practicing financial aid administrators for
12 degree career education centers in this state, one of whom
13 shall represent proprietary schools.

14 7. One lay citizen who does not derive a majority of
15 his or her income from education or the commercial financial
16 field.

17 8. One full-time student enrolled in postsecondary
18 education in this state.

19 Section 18. Section 243.19, Florida Statutes, is
20 amended to read:

21 243.19 Findings and declaration of necessity.--It is
22 declared that for the benefit of the people of the state, the
23 increase of their commerce, welfare, and prosperity, and the
24 improvement of their health and living conditions, it is
25 essential that this and future generations of youth be given
26 the fullest opportunity to learn and to develop their
27 intellectual and mental capacities; that it is essential that
28 institutions for higher education within each county in the
29 state be provided with appropriate additional means to assist
30 such youth in achieving the required levels of learning and
31 development of their intellectual and mental capacities;and

1 that it is the purpose of this part to provide a measure of
2 assistance and an alternate method to enable institutions of
3 higher education in each county of this state to provide the
4 facilities and structures which are sorely needed to
5 accomplish the purposes of this part; and that it is essential
6 to provide additional assistance to institutions for higher
7 education by enabling those institutions to coordinate their
8 budgetary needs with the timing of receipt of tuition revenues
9 in a manner similar to programs authorized for school
10 districts within the state. The necessity in the public
11 interest of the provisions hereinafter enacted is hereby
12 declared as a matter of legislative determination.

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

16 243.20 Definitions.--The following terms, wherever
17 used or referred to in this part shall have the following
18 respective meanings, unless a different meaning clearly
19 appears from the context:

20 (5) "Project" means a structure suitable for use as a
21 dormitory or other housing facility, dining hall, student
22 union, administration building, academic building, library,
23 laboratory, research facility, classroom, athletic facility,
24 health care facility, and maintenance, storage, or utility
25 facility, and other structures or facilities related thereto,
26 or required thereto, or required or useful for the instruction
27 of students, or the conducting of research, or the operation
28 of an institution for higher education, including parking and
29 other facilities or structures, essential or convenient for
30 the orderly conduct of such institution for higher education
31 and shall also include equipment and machinery and other

1 similar items necessary or convenient for the operation of a
2 particular facility or structure in the manner for which its
3 use is intended but shall not include such items as books,
4 fuel, supplies or other items which are customarily deemed to
5 result in a current operating charge. The term also includes a
6 loan in anticipation of tuition revenues by a private
7 institution for higher education.

8 (6) "Cost," as applied to a project or any portion
9 thereof financed under the provisions of this part, embraces
10 all or any part of the cost of construction and acquisition of
11 all lands, structures, real or personal property, rights,
12 rights-of-way, franchises, easements and interests acquired or
13 used for a project, the cost of demolishing or removing any
14 buildings or structures on land so acquired, including the
15 cost of acquiring any lands to which such buildings or
16 structures may be removed, the cost of all machinery and
17 equipment, financing charges, interest prior to, during and
18 for a period of 30 months after completion of such
19 construction, provisions for working capital, reserves for
20 principal and interest and for extensions, enlargements,
21 additions and improvements, cost of engineering, financial and
22 legal services, plans, specifications, studies, surveys,
23 estimates of cost and of revenues, administrative expenses,
24 expenses necessary or incident to determining the feasibility
25 or practicability of constructing the project and such other
26 expenses as may be necessary or incident to the construction
27 and acquisition of the project, the financing of such
28 construction and acquisition and the placing of the project in
29 operation. In the case of a loan in anticipation of tuition
30 revenues, the term "cost" means the amount of the loan in
31 anticipation of revenues which does not exceed the amount of

1 tuition revenues anticipated to be received by the borrowing
2 institution for higher education in the 1-year period
3 following the date of the loan, plus costs related to the
4 issuance of the loans, or bonds, the proceeds of which fund
5 the loans, and any related cost of debt service reserve funds
6 associated therewith.

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

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

22 243.22 Powers of authority.--The purpose of the
23 authority shall be to assist institutions for higher education
24 in the construction, financing, and refinancing of projects,
25 and for this purpose the authority is authorized and
26 empowered:

27 (12) To make loans to any participating institution
28 for higher education for the cost of a project, including a
29 loan in anticipation of tuition revenues, in accordance with
30 an agreement between the authority and the participating
31 institution for higher education; provided no such loan shall

1 exceed the total cost of the project as determined by the
2 participating institution for higher education and approved by
3 the authority.

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

7 378.101 Florida Institute of Phosphate Research.--

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

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

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

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

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

1 413.613 Brain and Spinal Cord Injury Rehabilitation
2 Trust Fund.--

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

17 Section 23. For the sole purpose of teaching the
18 principles and methods of engineering design, notwithstanding
19 the provisions of section 471.005(6), Florida Statutes, a
20 person employed by a public postsecondary educational
21 institution, or by an independent postsecondary educational
22 institution licensed or exempt from licensure pursuant to the
23 provisions of chapter 246, Florida Statutes, is not required
24 to register under the provisions of sections 471.001-471.037,
25 Florida Statutes, as a registered engineer.

26 Section 24. Section 240.5335, Florida Statutes, is
27 repealed.

28 Section 25. Subsection (1) of section 240.207, Florida
29 Statutes, 1998 Supplement, is amended to read:

30 240.207 Board of Regents; appointment of members;
31 qualifications and terms of office.--

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

1 Section 26. This act shall take effect upon becoming a
2 law.
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