

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

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

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

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21 Section 1. Paragraph (a) of subsection (2) of section
22 121.35, Florida Statutes, 1998 Supplement, is amended to read:23 121.35 Optional retirement program for the State
24 University System.--25 (2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL
26 PROGRAM.--27 (a) Participation in the optional retirement program
28 provided by this section shall be limited to persons who are
29 otherwise eligible for membership in the Florida Retirement
30 System; who are employed or appointed for no less than one

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1 academic year; and who are employed in one of the following
2 State University System positions:

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

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

24 3. The Chancellor and the university presidents.

25 Section 2. Paragraph (c) of subsection (4) of section
26 239.117, Florida Statutes, 1998 Supplement, is amended to
27 read:

28 239.117 Postsecondary student fees.--

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

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

15 Section 3. Section 240.156, Florida Statutes, is
16 amended to read:

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

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1 used to defray the costs incurred in updating those campus
2 master plans.

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

5 240.209 Board of Regents; powers and duties.--

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

9 Section 5. Paragraph (a) of subsection (5) of section
10 240.235, Florida Statutes, 1998 Supplement, is amended and
11 subsection (11) is added to that section to read:

12 240.235 Fees.--

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

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1 (11) Students who are enrolled in Programs in Medical
2 Sciences are considered graduate students for the purpose of
3 enrollment and student fees.

4 Section 6. Paragraph (a) of subsection (2) of section
5 240.35, Florida Statutes, 1998 Supplement, is amended to read:

6 240.35 Student fees.--Unless otherwise provided, the
7 provisions of this section apply only to fees charged for
8 college credit instruction leading to an associate in arts
9 degree, an associate in applied science degree, or an
10 associate in science degree and noncollege credit
11 college-preparatory courses defined in s. 239.105.

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

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

1 240.227 University presidents; powers and duties.--The
2 president is the chief administrative officer of the
3 university and is responsible for the operation and
4 administration of the university. Each university president
5 shall:

6 (12) Approve and execute contracts for the acquisition
7 of commodities, goods, equipment, services, leases of real and
8 personal property, and construction to be rendered to or by
9 the university, provided such contracts are made pursuant to
10 rules of the Board of Regents, are for the implementation of
11 approved programs of the university, and do not require
12 expenditures in excess of \$1 million. The acquisition may be
13 made by installment or lease-purchase contract. Such
14 contracts may provide for the payment of interest on the
15 unpaid portion of the purchase price. Notwithstanding any
16 other provisions of this subsection, university presidents
17 shall comply with the provisions of s. 287.055 for the
18 procurement of professional services and may approve and
19 execute all contracts for planning, construction, and
20 equipment for projects with building programs and construction
21 budgets approved by the Board of Regents. For the purposes of
22 a university president's contracting authority, a "continuing
23 contract" for professional services under the provisions of s.
24 287.055 is one in which construction costs do not exceed \$1
25 million or the fee for study activity does not exceed
26 \$100,000.

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

29 240.233 Universities; admissions of students.--Each
30 university shall govern admissions of students, subject to
31 this section and rules of the Board of Regents.

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

21 Section 9. Paragraph (a) of subsection (1) of section
22 240.421, Florida Statutes, is amended to read:

23 240.421 Florida Council of Student Financial Aid
24 Advisors.--

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

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1 (a) The council shall be composed of the Chancellor of
2 the State University System, or his or her designee, the
3 Executive Director of the Division of Community Colleges, or
4 his or her designee, the Executive Director of the Independent
5 Colleges and Universities of Florida, the Executive Director
6 of the Florida Association of Postsecondary Schools and
7 Colleges, or his or her designee, and 14 members who shall be
8 appointed by the Commissioner of Education. The membership of
9 the council appointed by the Commissioner of Education shall
10 include:

11 1. Two persons from the commercial financial community
12 in this state.

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

17 3. Two practicing financial aid administrators for
18 accredited private postsecondary institutions in this state.

19 4. Two practicing financial aid administrators for
20 public community colleges in this state.

21 5. Two practicing financial aid administrators for
22 state universities in this state.

23 6. Two practicing financial aid administrators for
24 degree career education centers in this state, one of whom
25 shall represent proprietary schools.

26 7. One lay citizen who does not derive a majority of
27 his or her income from education or the commercial financial
28 field.

29 8. One full-time student enrolled in postsecondary
30 education in this state.

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

3 413.613 Brain and Spinal Cord Injury Rehabilitation
4 Trust Fund.--

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

19 Section 11. For the sole purpose of teaching the
20 principles and methods of engineering design, notwithstanding
21 the provisions of section 471.005(6), Florida Statutes, a
22 person employed by a public postsecondary educational
23 institution, or by an independent postsecondary educational
24 institution licensed or exempt from licensure pursuant to the
25 provisions of chapter 246, Florida Statutes, is not required
26 to register under the provisions of sections 471.001-471.037,
27 Florida Statutes, as a registered engineer.

28 Section 12. Section 240.5335, Florida Statutes, is
29 repealed.

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

1 240.207 Board of Regents; appointment of members;
2 qualifications and terms of office.--

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

1 vacancies, subject to the above approval and confirmation,
2 that may at any time occur on the board.

3 Section 14. There is hereby appropriated \$200,000 from
4 the General Revenue Fund to the University of Miami, School of
5 Medicine, Office of Minority Affairs for Fiscal Year
6 1999-2000.

7 Section 15. Florida State University and the Florida
8 Department of Environmental Protection shall conduct a study
9 of the feasibility of creating the Florida Geoscience Center
10 in Tallahassee. The findings and recommendations of the study
11 shall be forwarded to the Speaker of the House of
12 Representatives, President of the Senate, and the Governor by
13 January 15, 2000.

14 Section 16. Section 243.19, Florida Statutes, is
15 amended to read:

16 243.19 Findings and declaration of necessity.--It is
17 declared that for the benefit of the people of the state, the
18 increase of their commerce, welfare, and prosperity, and the
19 improvement of their health and living conditions, it is
20 essential that this and future generations of youth be given
21 the fullest opportunity to learn and to develop their
22 intellectual and mental capacities; that it is essential that
23 institutions for higher education within each county in the
24 state be provided with appropriate additional means to assist
25 such youth in achieving the required levels of learning and
26 development of their intellectual and mental capacities;and
27 that it is the purpose of this part to provide a measure of
28 assistance and an alternate method to enable institutions of
29 higher education in each county of this state to provide the
30 facilities and structures which are sorely needed to
31 accomplish the purposes of this part; and that it is essential

1 to provide additional assistance to institutions for higher
2 education by enabling those institutions to coordinate their
3 budgetary needs with the timing of receipt of tuition revenues
4 in a manner similar to programs authorized for school
5 districts within the state. The necessity in the public
6 interest of the provisions hereinafter enacted is hereby
7 declared as a matter of legislative determination.

8 Section 17. Subsections (5) and (6) of section 243.20,
9 Florida Statutes, are amended and subsection (10) is added to
10 that section to read:

11 243.20 Definitions.--The following terms, wherever
12 used or referred to in this part shall have the following
13 respective meanings, unless a different meaning clearly
14 appears from the context:

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

1 loan in anticipation of tuition revenues by a private
2 institution for higher education.

3 (6) "Cost," as applied to a project or any portion
4 thereof financed under the provisions of this part, embraces
5 all or any part of the cost of construction and acquisition of
6 all lands, structures, real or personal property, rights,
7 rights-of-way, franchises, easements and interests acquired or
8 used for a project, the cost of demolishing or removing any
9 buildings or structures on land so acquired, including the
10 cost of acquiring any lands to which such buildings or
11 structures may be removed, the cost of all machinery and
12 equipment, financing charges, interest prior to, during and
13 for a period of 30 months after completion of such
14 construction, provisions for working capital, reserves for
15 principal and interest and for extensions, enlargements,
16 additions and improvements, cost of engineering, financial and
17 legal services, plans, specifications, studies, surveys,
18 estimates of cost and of revenues, administrative expenses,
19 expenses necessary or incident to determining the feasibility
20 or practicability of constructing the project and such other
21 expenses as may be necessary or incident to the construction
22 and acquisition of the project, the financing of such
23 construction and acquisition and the placing of the project in
24 operation. In the case of a loan in anticipation of tuition
25 revenues, the term "cost" means the amount of the loan in
26 anticipation of revenues which does not exceed the amount of
27 tuition revenues anticipated to be received by the borrowing
28 institution for higher education in the 1-year period
29 following the date of the loan, plus costs related to the
30 issuance of the loans, or bonds, the proceeds of which fund
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1 the loans, and any related cost of debt service reserve funds
2 associated therewith.

3 (10) "Loan in anticipation of tuition revenues" means
4 a loan to a private institution for higher education under
5 circumstances in which tuition revenues anticipated to be
6 received by the institution in any budget year are estimated
7 to be insufficient at any time during the budget year to pay
8 the operating expenses or other obligations of the institution
9 in accordance with the budget of the institution. The loans
10 are permitted within guidelines adopted by the authority
11 consistent with the provisions for similar loans undertaken by
12 school districts under s. 237.151, excluding provisions
13 applicable to the limitations on borrowings relating to the
14 levy of taxes and the adoption of budgets in accordance with
15 law applicable solely to school districts. The Florida
16 Resident Access Grant shall not be considered tuition revenues
17 for the purpose of calculating a loan to a private institution
18 pursuant to the provision of this chapter.

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

21 243.22 Powers of authority.--The purpose of the
22 authority shall be to assist institutions for higher education
23 in the construction, financing, and refinancing of projects,
24 and for this purpose the authority is authorized and
25 empowered:

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

1 participating institution for higher education and approved by
2 the authority.

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