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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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