

By the Committee on Colleges & Universities and
Representatives Casey, J. Miller, Lawson, Bense, Dennis and
Waters

1 A bill to be entitled
2 An act relating to the State University System;
3 amending s. 110.1099, F.S.; revising provisions
4 relating to tuition waivers for state
5 employees; amending s. 121.35, F.S.; expanding
6 eligibility for participation in the optional
7 retirement program for the State University
8 System; amending s. 240.209, F.S., relating to
9 the powers and duties of the Board of Regents;
10 revising provisions relating to tuition waivers
11 for employees of the State University System;
12 prohibiting a school, college, or center at a
13 state university from being named for a living
14 person unless approved by the Board of Regents;
15 amending s. 240.2093, F.S.; revising provisions
16 relating to the issuance of bonds by a direct
17 support organization; amending s. 240.2094,
18 F.S.; requiring the Board of Regents to provide
19 the general office of the Board of Regents an
20 approved budget; requiring the general office
21 to develop an annual operating budget;
22 requiring the transfer of funds to the general
23 office upon request of the Board of Regents;
24 amending s. 240.2111, F.S.; deleting the
25 requirement that the Board of Regents and
26 universities promulgate rules regarding
27 employee recognition programs; requiring each
28 university to establish an employee recognition
29 program; amending s. 240.227, F.S.; providing a
30 definition of "continuing contract" for
31 purposes of a university president's

1 contracting authority; amending s. 240.233,
2 F.S., relating to university admissions;
3 providing for the recalculation of high school
4 grade point average upon request; amending s.
5 240.271, F.S., relating to State University
6 System funding; providing requirements for
7 funds generated by students using an employee
8 fee waiver; amending s. 240.272, F.S.; revising
9 provisions relating to the carryforward of
10 unexpended funds; amending s. 240.289, F.S.;
11 modifying provisions relating to the use of
12 credit cards and debit cards in the university
13 system; amending s. 240.299, F.S.; modifying
14 provisions relating to the financing, design
15 and construction, lease, lease purchase,
16 purchase, or operation of facilities by direct
17 support organizations; repealing s. 240.5335,
18 F.S., relating to the Women's Athletic Trust
19 Fund; amending s. 413.613, F.S., relating to
20 the Brain and Spinal Cord Injury Rehabilitation
21 Trust Fund; revising requirements relating to
22 program review; amending s. 471.005, F.S.;
23 revising the definition of "engineering";
24 providing an effective date.

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

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28 Section 1. Subsection (1) of section 110.1099, Florida
29 Statutes, 1998 Supplement, is amended, subsections (2) through
30 (5) of said section are renumbered as subsections (3) through
31 (6), respectively, and a new subsection (2) is added, to read:

1 110.1099 Education and training opportunities for
2 state employees.--

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

5 Recognizing that the application of productivity-enhancing
6 technology and practice demand continuous educational and
7 training opportunities, state employees may be authorized to
8 receive ~~fundable tuition waivers on a space-available basis or~~
9 vouchers to attend work-related courses at public
10 universities. ~~Student credit hours generated by state employee~~
11 ~~fee waivers shall be fundable credit hours.~~

12 (2) Pursuant to provisions of the General
13 Appropriations Act and the negotiated collective bargaining
14 agreements between the Governor and the respective bargaining
15 units, state agencies are authorized to issue waivers to
16 full-time employees to permit such employees to enroll for up
17 to 6 credit hours of tuition-free courses per term at a state
18 university on a space-available basis.

19 Section 2. Paragraph (a) of subsection (2) of section
20 121.35, Florida Statutes, 1998 Supplement, is amended to read:

21 121.35 Optional retirement program for the State
22 University System.--

23 (2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL
24 PROGRAM.--

25 (a) Participation in the optional retirement program
26 provided by this section shall be limited to persons who are
27 otherwise eligible for membership in the Florida Retirement
28 System; who are employed or appointed for no less than one
29 academic year; and who are employed in one of the following
30 State University System positions:
31

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

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

22 3. The Chancellor and the university presidents.

23 Section 3. Subsection (7) of section 240.209, Florida
24 Statutes, 1998 Supplement, is amended, and subsection (10) is
25 added to said section, to read:

26 240.209 Board of Regents; powers and duties.--

27 (7) Pursuant to provisions of the General
28 Appropriations Act and negotiated collective bargaining
29 agreements, the Board of Regents is authorized to permit
30 full-time State University System employees ~~who meet academic~~
31 ~~requirements~~ to enroll for up to 6 credit hours of

1 tuition-free courses per term at a state university on a
2 space-available basis.

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

6 Section 4. Subsection (2) of section 240.2093, Florida
7 Statutes, is amended to read:

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

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

22 Section 5. Subsections (1) and (2) of section
23 240.2094, Florida Statutes, are amended to read:

24 240.2094 State University System management
25 flexibility.--

26 (1) Notwithstanding the provisions of ss. 216.031,
27 216.181, 216.262, and 240.271 to the contrary and pursuant to
28 the provisions of s. 216.351, but subject to any guidelines
29 imposed in the General Appropriations Act, funds for the
30 operation of the State University System shall be requested
31 and appropriated within budget entities, program components,

1 program categories, lump sums, or special categories. Funds
2 appropriated to the State University System for each program
3 category, lump sum, or special category may be transferred to
4 traditional categories for expenditure by the Board of
5 Regents. The Board of Regents shall provide each university
6 and the general office of the Board of Regents an approved
7 budget based upon the appropriations act, and the universities
8 and the general office shall develop an annual operating
9 budget that allocates funds by program component and
10 traditional expenditure category.

11 (2) Notwithstanding the provisions of s. 216.181 and
12 pursuant to the provisions of s. 216.351, but subject to any
13 requirements imposed in the General Appropriations Act, no
14 lump-sum plan is required to implement the special categories,
15 program categories, or lump-sum appropriations. Upon release
16 of the special categories, program categories, or lump-sum
17 appropriations to the Board of Regents, the Comptroller, upon
18 the request of the Board of Regents, shall transfer or
19 reallocate funds to or among accounts established for each
20 university and the general office of the Board of Regents
21 within each budget entity, for disbursement purposes. The
22 Board of Regents shall maintain records to account for the
23 original appropriation.

24 Section 6. Paragraph (a) of subsection (1) of section
25 240.2111, Florida Statutes, is amended to read:

26 240.2111 Employee recognition program.--

27 (1)(a) Notwithstanding the provisions of s. 110.1245,
28 ~~the Board of Regents and~~ each university shall establish
29 ~~promulgate rules for~~ an employee recognition program which
30 provides for the following components:

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1 1. A superior accomplishment component to recognize
2 employees who have contributed outstanding and meritorious
3 service in their fields, including those who have made
4 exceptional contributions to efficiency, economy, or other
5 improvement in State University System operations. No cash
6 award under the superior accomplishment component of the
7 program shall exceed \$1,000, excluding applicable taxes.

8 2. A satisfactory service component to recognize
9 employees who have achieved increments of 5 continuous years
10 of satisfactory service to the Board of Regents, university,
11 or state in appreciation and recognition of such service. No
12 cash award granted under the satisfactory service component
13 shall exceed \$50, excluding applicable taxes.

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

16 240.227 University presidents; powers and duties.--The
17 president is the chief administrative officer of the
18 university and is responsible for the operation and
19 administration of the university. Each university president
20 shall:

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

1 shall comply with the provisions of s. 287.055 for the
2 procurement of professional services and may approve and
3 execute all contracts for planning, construction, and
4 equipment for projects with building programs and construction
5 budgets approved by the Board of Regents. For the purposes of
6 a university president's contracting authority, a "continuing
7 contract" shall be a contract for professional services under
8 the provisions of s. 287.055 for projects for which the
9 construction costs do not exceed \$1 million or for study
10 activity for which the fee does not exceed \$100,000.

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

13 240.233 Universities; admissions of students.--Each
14 university shall govern admissions of students, subject to
15 this section and rules of the Board of Regents.

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

1 Baccalaureate or International Baccalaureate, and fine arts
2 courses taken in the third or fourth year of a fine arts
3 curriculum.

4 Section 9. Subsection (7) is added to section 240.271,
5 Florida Statutes, to read:

6 240.271 State University System; funding.--

7 (7) Student credit hours generated by a student using
8 an employee fee waiver issued pursuant to the provisions of s.
9 110.1099 or s. 240.209 shall be funded as provided in the
10 General Appropriations Act.

11 Section 10. Section 240.272, Florida Statutes, is
12 amended to read:

13 240.272 Carryforward of unexpended
14 funds.--Notwithstanding the provisions of s. 216.301 to the
15 contrary, the Executive Office of the Governor shall, on July
16 1 of each year, certify forward all unexpended funds
17 appropriated or provided pursuant to s. 240.209 or s. 240.271
18 for the State University System. Any unexpended funds in the
19 current year operating budget, including unexpended student
20 fee revenues, shall be carried forward by the Board of Regents
21 for use by the university and the general office of the Board
22 of Regents to which the funds were allocated. Of the
23 unexpended funds certified forward, any unencumbered amounts
24 may be transferred to university carryforward accounts on
25 September 1 of each year. Any certified forward funds
26 remaining undisbursed on December 31 of each year shall be
27 transferred to university carryforward accounts.

28 (1) Such carryforward shall not exceed 5 percent of
29 the total operating budget of the university or the general
30 office. Funds carried forward pursuant to this section shall
31 be expended for building an escrow account for major equipment

1 purchases; for scientific, technical, or other equipment; for
2 matching challenge grant programs; for library resources; for
3 minor repairs, renovations, or maintenance; for major studies
4 or planning processes; for maintaining access to course
5 offerings in the event of a revenue shortfall; or for
6 expanding access to course offerings, as approved by the Board
7 of Regents.

8 (2) No university or the general office shall be
9 penalized in the allocation of subsequent funds as a result of
10 the carryforward of an unexpended balance.

11 Section 11. Section 240.289, Florida Statutes, is
12 amended to read:

13 240.289 Credit card, charge card, and debit card use
14 in university system; authority.--

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

21 (2) In addition to the provisions of subsection (1),
22 the several universities are also authorized to accept credit
23 cards or debit cards, or both, for the payment of tuition and
24 fees without the imposition of a convenience fee for such card
25 services. The cost incurred by the several universities in
26 acceptance of credit cards and debit cards is authorized to be
27 absorbed by the universities as a cost of conducting business.
28 The universities may utilize any source of nonappropriated
29 funds to cover the costs of acceptance of such credit cards or
30 debit cards. Universities are further authorized to negotiate
31 credit card and debit card contracts with financial

1 institutions whereby a compensating balance may be placed on
2 deposit with the financial institution to cover the costs of
3 acceptance of credit cards and debit cards. The several
4 universities are authorized to accept credit card and debit
5 card payments at any location at which collections are
6 transacted for the compensation of goods, services, tuition,
7 and fees, either in person or by electronic means.

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

10 240.299 Direct-support organizations; use of property;
11 board of directors; audit; facilities.--

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

24 Section 13. Section 240.5335, Florida Statutes, is
25 repealed.

26 Section 14. Subsection (4) of section 413.613, Florida
27 Statutes, is amended to read:

28 413.613 Brain and Spinal Cord Injury Rehabilitation
29 Trust Fund.--

30 (4) The Board of Regents shall establish a program
31 administration review process ~~and may allocate up to \$10,000~~

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

13 Section 15. Subsection (6) of section 471.005, Florida
14 Statutes, is amended to read:

15 471.005 Definitions.--As used in ss. 471.001-471.037,
16 the term:

17 (6) "Engineering" includes the term "professional
18 engineering" and means any service or creative work, the
19 adequate performance of which requires engineering education,
20 training, and experience in the application of special
21 knowledge of the mathematical, physical, and engineering
22 sciences to such services or creative work as consultation,
23 investigation, evaluation, planning, and design of engineering
24 works and systems, planning the use of land and water,
25 ~~teaching of the principles and methods of engineering design,~~
26 engineering surveys, and the inspection of construction for
27 the purpose of determining in general if the work is
28 proceeding in compliance with drawings and specifications, any
29 of which embraces such services or work, either public or
30 private, in connection with any utilities, structures,
31 buildings, machines, equipment, processes, work systems,

1 projects, and industrial or consumer products or equipment of
2 a mechanical, electrical, hydraulic, pneumatic, or thermal
3 nature, insofar as they involve safeguarding life, health, or
4 property; and includes such other professional services as may
5 be necessary to the planning, progress, and completion of any
6 engineering services. A person who practices any branch of
7 engineering; who, by verbal claim, sign, advertisement,
8 letterhead, or card, or in any other way, represents himself
9 or herself to be an engineer or, through the use of some other
10 title, implies that he or she is an engineer or that he or she
11 is registered under ss. 471.001-471.037; or who holds himself
12 or herself out as able to perform, or does perform, any
13 engineering service or work or any other service designated by
14 the practitioner which is recognized as engineering shall be
15 construed to practice or offer to practice engineering within
16 the meaning and intent of ss. 471.001-471.037.

17 Section 16. This act shall take effect July 1, 1999.
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HOUSE SUMMARY

Revises provisions relating to tuition waivers for state employees. Expands eligibility for participation in the optional retirement program for the State University System. Revises provisions relating to tuition waivers for employees of the State University System. Prohibits a school, college, or center at a state university from being named for a living person unless approved by the Board of Regents. Revises provisions relating to the issuance of bonds by a university direct support organization. Requires the Board of Regents to provide the general office of the Board of Regents an approved budget. Requires the general office to develop an annual operating budget. Requires the transfer of funds to the general office upon request of the Board of Regents. Deletes the requirement that the Board of Regents and universities promulgate rules regarding employee recognition programs. Requires each university to establish an employee recognition program. Provides a definition of "continuing contract" for purposes of a university president's contracting authority. Provides for the recalculation of high school grade point average upon request. Provides requirements for funds generated by students using an employee fee waiver. Revises provisions relating to the carryforward of unexpended funds. Modifies provisions relating to university system use of credit cards and debit cards. Modifies provisions relating to the financing, design and construction, lease, lease purchase, purchase, or operation of facilities by university direct support organizations. Repeals provisions relating to the Women's Athletic Trust Fund. Revises requirements relating to brain and spinal cord injury rehabilitation program review. Revises the definition of "engineering."