

By the Committees on Governmental Operations, Colleges & Universities and Representatives Casey, J. Miller, Lawson, Bense, Dennis, Waters, Jones and Farkas

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.; expanding
6 eligibility for participation in the optional
7 retirement program for the State University
8 System; amending ss. 239.117, 240.235, and
9 240.35, F.S.; revising a fee exemption for
10 certain postsecondary students; amending s.
11 240.209, F.S., relating to the powers and
12 duties of the Board of Regents; revising
13 provisions relating to tuition waivers for
14 employees of the State University System;
15 prohibiting a school, college, or center at a
16 state university from being named for a living
17 person unless approved by the Board of Regents;
18 amending s. 240.2093, F.S.; revising provisions
19 relating to the issuance of bonds by a direct
20 support organization; amending s. 240.2094,
21 F.S.; requiring the Board of Regents to provide
22 the general office of the Board of Regents an
23 approved budget; requiring the general office
24 to develop an annual operating budget;
25 requiring the transfer of funds to the general
26 office upon request of the Board of Regents;
27 amending s. 240.2111, F.S.; deleting the
28 requirement that the Board of Regents and
29 universities promulgate rules regarding
30 employee recognition programs; requiring each
31 university to establish an employee recognition

1 program; amending s. 240.227, F.S.; providing a
2 definition of "continuing contract" for
3 purposes of a university president's
4 contracting authority; amending s. 240.233,
5 F.S., relating to university admissions;
6 providing for the recalculation of high school
7 grade point average upon request; amending s.
8 240.271, F.S., relating to State University
9 System funding; providing requirements for
10 funds generated by students using an employee
11 fee waiver; amending s. 240.272, F.S.; revising
12 provisions relating to the carryforward of
13 unexpended funds; amending s. 240.289, F.S.;
14 modifying provisions relating to the use of
15 credit cards and debit cards in the university
16 system; amending s. 240.299, F.S.; modifying
17 provisions relating to the financing, design
18 and construction, lease, lease purchase,
19 purchase, or operation of facilities by direct
20 support organizations; repealing s. 240.5335,
21 F.S., relating to the Women's Athletic Trust
22 Fund; amending s. 413.613, F.S., relating to
23 the Brain and Spinal Cord Injury Rehabilitation
24 Trust Fund; revising requirements relating to
25 program review; providing for the employment of
26 persons not registered as engineers to teach
27 principles and methods of engineering design;
28 amending s. 378.101, F.S., relating to the
29 Florida Institute of Phosphate Research;
30 revising where proceeds received by the
31 institute will be deposited; revising

1 provisions relating to a service charge;
2 amending s. 243.19, F.S.; providing findings
3 for institutions for higher education; amending
4 s. 243.20, F.S.; redefining the terms "project"
5 and "cost"; defining the term "loan in
6 anticipation of tuition revenues"; amending s.
7 243.22, F.S.; authorizing loans in anticipation
8 of tuition revenues; providing effective dates.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Subsection (1) of section 110.1099, Florida
13 Statutes, 1998 Supplement, is amended, subsections (2) through
14 (5) of said section are renumbered as subsections (3) through
15 (6), respectively, and a new subsection (2) is added, to read:

16 110.1099 Education and training opportunities for
17 state employees.--

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

27 (2) Pursuant to provisions of the General
28 Appropriations Act and the negotiated collective bargaining
29 agreements between the Governor and the respective bargaining
30 units, state agencies are authorized to issue waivers to
31 full-time employees to permit such employees to enroll for up

1 to 6 credit hours of tuition-free courses per term at a state
2 university on a space-available basis.

3 Section 2. Paragraph (a) of subsection (2) of section
4 121.35, Florida Statutes, 1998 Supplement, is amended to read:

5 121.35 Optional retirement program for the State
6 University System.--

7 (2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL
8 PROGRAM.--

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

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

18 2. Positions classified as administrative and
19 professional which are exempt from the career service under
20 the provisions of s. 110.205(2)(d), ~~provided that only those~~
21 ~~positions that are included in the State University System~~
22 ~~Executive Service, or those which the division determines meet~~
23 ~~the following criteria, shall be eligible to participate: The~~
24 ~~duties and responsibilities of the position shall include~~
25 ~~either the formulation, interpretation, or implementation of~~
26 ~~academic policies, or the performance of functions which are~~
27 ~~unique or specialized within higher education and which~~
28 ~~frequently involve the support of the academic mission of the~~
29 ~~university; and recruiting to fill vacancies in the position~~
30 ~~shall be conducted within the national or regional market.~~
31 ~~The employer shall submit an application, including a~~

1 ~~certification that the position meets the criteria for~~
2 ~~eligibility, to the division for each administrative and~~
3 ~~professional position not in the Executive Service for which~~
4 ~~it seeks eligibility for the optional retirement program.~~

5 3. The Chancellor and the university presidents.

6 Section 3. Paragraph (c) of subsection (4) of section
7 239.117, Florida Statutes, 1998 Supplement, is amended to
8 read:

9 239.117 Postsecondary student fees.--

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

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

26 Section 4. Paragraph (a) of subsection (5) of section
27 240.235, Florida Statutes, 1998 Supplement, is amended to
28 read:

29 240.235 Fees.--

30 (5)(a) Any student for whom the state is paying a
31 foster care board payment pursuant to s. 409.145(3) or parts

1 II and III of chapter 39, for whom the permanency planning
2 goal pursuant to part III of chapter 39 is long-term foster
3 care or independent living, or who is adopted from the
4 Department of Children and Family Services after May 5
5 ~~December 31~~, 1997, shall be exempt from the payment of all
6 undergraduate fees, including fees associated with enrollment
7 in college-preparatory instruction or completion of
8 college-level communication and computation skills testing
9 programs. Before a fee exemption can be given, the student
10 shall have applied for and been denied financial aid, pursuant
11 to s. 240.404, which would have provided, at a minimum,
12 payment of all undergraduate fees. Such exemption shall be
13 available to any student adopted from the Department of
14 Children and Family Services after May 5 ~~December 31~~, 1997;
15 however, the exemption shall be valid for no more than 4 years
16 after the date of graduation from high school.

17 Section 5. Paragraph (a) of subsection (2) of section
18 240.35, Florida Statutes, 1998 Supplement, is amended to read:

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

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

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

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

15 240.209 Board of Regents; powers and duties.--

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

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

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

28 240.2093 Board of Regents; issuance of bonds pursuant
29 to s. 11(e), Art. VII, State Constitution.--

30 (2) The Board of Regents may approve the issuance of
31 ~~revenue bonds or other forms of indebtedness~~ by a

1 direct-support organization when such ~~revenue bonds or other~~
2 ~~forms of indebtedness~~ are used to finance or refinance capital
3 projects which are to provide facilities necessary and
4 desirable to serve the needs and purposes of the university,
5 as determined by the systemwide strategic plan adopted by the
6 Board of Regents, and, when operating funds or funds to
7 purchase the facility will be requested from the state, the
8 Legislature has approved the project. Approval of such bonds
9 shall be subject to the provisions of s. 243.151 ~~the project~~
10 ~~has been approved by the Legislature.~~

11 Section 8. Subsections (1) and (2) of section
12 240.2094, Florida Statutes, are amended to read:

13 240.2094 State University System management
14 flexibility.--

15 (1) Notwithstanding the provisions of ss. 216.031,
16 216.181, 216.262, and 240.271 to the contrary and pursuant to
17 the provisions of s. 216.351, but subject to any guidelines
18 imposed in the General Appropriations Act, funds for the
19 operation of the State University System shall be requested
20 and appropriated within budget entities, program components,
21 program categories, lump sums, or special categories. Funds
22 appropriated to the State University System for each program
23 category, lump sum, or special category may be transferred to
24 traditional categories for expenditure by the Board of
25 Regents. The Board of Regents shall provide each university
26 and the general office of the Board of Regents an approved
27 budget based upon the appropriations act, and the universities
28 and the general office shall develop an annual operating
29 budget that allocates funds by program component and
30 traditional expenditure category.

31

1 (2) Notwithstanding the provisions of s. 216.181 and
2 pursuant to the provisions of s. 216.351, but subject to any
3 requirements imposed in the General Appropriations Act, no
4 lump-sum plan is required to implement the special categories,
5 program categories, or lump-sum appropriations. Upon release
6 of the special categories, program categories, or lump-sum
7 appropriations to the Board of Regents, the Comptroller, upon
8 the request of the Board of Regents, shall transfer or
9 reallocate funds to or among accounts established for each
10 university and the general office of the Board of Regents
11 within each budget entity, for disbursement purposes. The
12 Board of Regents shall maintain records to account for the
13 original appropriation.

14 Section 9. Paragraph (a) of subsection (1) of section
15 240.2111, Florida Statutes, is amended to read:

16 240.2111 Employee recognition program.--

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

21 1. A superior accomplishment component to recognize
22 employees who have contributed outstanding and meritorious
23 service in their fields, including those who have made
24 exceptional contributions to efficiency, economy, or other
25 improvement in State University System operations. No cash
26 award under the superior accomplishment component of the
27 program shall exceed \$1,000, excluding applicable taxes.

28 2. A satisfactory service component to recognize
29 employees who have achieved increments of 5 continuous years
30 of satisfactory service to the Board of Regents, university,
31 or state in appreciation and recognition of such service. No

1 cash award granted under the satisfactory service component
2 shall exceed \$50, excluding applicable taxes.

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

5 240.227 University presidents; powers and duties.--The
6 president is the chief administrative officer of the
7 university and is responsible for the operation and
8 administration of the university. Each university president
9 shall:

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

31

1 Section 11. Subsection (8) is added to section
2 240.233, Florida Statutes, 1998 Supplement, to read:

3 240.233 Universities; admissions of students.--Each
4 university shall govern admissions of students, subject to
5 this section and rules of the Board of Regents.

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

25 Section 12. Subsection (7) is added to section
26 240.271, Florida Statutes, to read:

27 240.271 State University System; funding.--

28 (7) Student credit hours generated by a student using
29 an employee fee waiver issued pursuant to the provisions of s.
30 110.1099 or s. 240.209 shall be funded as provided in the
31 General Appropriations Act.

1 Section 13. Section 240.272, Florida Statutes, is
2 amended to read:

3 240.272 Carryforward of unexpended
4 funds.--Notwithstanding the provisions of s. 216.301 to the
5 contrary, the Executive Office of the Governor shall, on July
6 1 of each year, certify forward all unexpended funds
7 appropriated or provided pursuant to s. 240.209 or s. 240.271
8 for the State University System. Any unexpended funds in the
9 current year operating budget, including unexpended student
10 fee revenues, shall be carried forward by the Board of Regents
11 for use by the university and the general office of the Board
12 of Regents to which the funds were allocated. Of the
13 unexpended funds certified forward, any unencumbered amounts
14 may be transferred to university carryforward accounts on
15 September 1 of each year. Any certified forward funds
16 remaining undisbursed on December 31 of each year shall be
17 transferred to university carryforward accounts.

18 (1) Such carryforward shall not exceed 5 percent of
19 the total operating budget of the university or the general
20 office. Funds carried forward pursuant to this section shall
21 be expended for building an escrow account for major equipment
22 purchases; for scientific, technical, or other equipment; for
23 matching challenge grant programs; for library resources; for
24 minor repairs, renovations, or maintenance; for major studies
25 or planning processes; for maintaining access to course
26 offerings in the event of a revenue shortfall; or for
27 expanding access to course offerings, as approved by the Board
28 of Regents.

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

1 Section 14. Section 240.289, Florida Statutes, is
2 amended to read:

3 240.289 Credit card, charge card, and debit card use
4 in university system; authority.--

5 (1) The several universities in the State University
6 System are authorized, pursuant to s. 215.322, to enter into
7 agreements and accept credit card, charge card, or debit card
8 payments as compensation for goods, services, tuition, and
9 fees in accordance with rules established by the Board of
10 Regents.

11 (2) In addition to the provisions of subsection (1),
12 the several universities are also authorized to accept credit
13 cards or debit cards, or both, for the payment of tuition and
14 fees without the imposition of a convenience fee for such card
15 services. The cost incurred by the several universities in
16 acceptance of credit cards and debit cards is authorized to be
17 absorbed by the universities as a cost of conducting business.
18 The universities may utilize any source of nonappropriated
19 funds to cover the costs of acceptance of such credit cards or
20 debit cards. Universities are further authorized to negotiate
21 credit card and debit card contracts with financial
22 institutions whereby a compensating balance may be placed on
23 deposit with the financial institution to cover the costs of
24 acceptance of credit cards and debit cards. The several
25 universities are authorized to accept credit card and debit
26 card payments at any location at which collections are
27 transacted for the compensation of goods, services, tuition,
28 and fees, either in person or by electronic means.

29 Section 15. Subsection (5) of section 240.299, Florida
30 Statutes, 1998 Supplement, is amended to read:

31

1 240.299 Direct-support organizations; use of property;
2 board of directors; audit; facilities.--

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

15 Section 16. Section 240.5335, Florida Statutes, is
16 repealed.

17 Section 17. Subsection (4) of section 413.613, Florida
18 Statutes, is amended to read:

19 413.613 Brain and Spinal Cord Injury Rehabilitation
20 Trust Fund.--

21 (4) The Board of Regents shall establish a program
22 administration review process ~~and may allocate up to \$10,000~~
23 ~~of such funds for an overall program review~~ which shall would
24 include: an annual ~~a~~ prospective program plan with goals,
25 research design, ~~and~~ proposed outcomes, a proposed budget, ~~and~~
26 an annual report of research activities and findings, and an
27 annual end-of-year financial statement. Prospective program
28 plans shall be submitted to the Board of Regents, and funds
29 shall be released upon acceptance of the proposed program
30 plans. The annual report of research activities and findings
31 shall be submitted to the Board of Regents, with the executive

1 summaries submitted to the President of the Senate, the
2 Speaker of the House of Representatives, and the secretary of
3 the Department of Labor and Employment Security.

4 Section 18. For the sole purpose of teaching the
5 principles and methods of engineering design, notwithstanding
6 the provisions of s. 471.005(6), Florida Statutes, a person
7 employed by a public postsecondary educational institution, or
8 by an independent postsecondary educational institution
9 licensed or exempt from licensure pursuant to the provisions
10 of chapter 246, Florida Statutes, is not required to register
11 under the provisions of ss. 471.001-471.037, Florida Statutes,
12 as a registered engineer.

13 Section 19. Paragraph (i) of subsection (1) and
14 paragraph (f) of subsection (2) of section 378.101, Florida
15 Statutes, are amended to read:

16 378.101 Florida Institute of Phosphate Research.--

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

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

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

28 (f) Do all acts necessary to exercise its powers and
29 perform its duties. Any action taken by the institute in
30 securing or exploiting such patents, copyrights, or trademarks
31 shall, within 30 days, be reported in writing to the

1 Department of State. Any proceeds received by the institute
2 under this subsection shall be deposited in an established
3 account of the not-for-profit foundation of the State
4 University System institution with administrative
5 responsibility for the institute ~~the Phosphate Research Trust~~
6 ~~Fund~~ for use consistent with ~~as provided by law and the~~
7 mission of the institute.

8 Section 20. Effective May 1, 1999, or upon becoming a
9 law, whichever occurs first, section 243.19, Florida Statutes,
10 is amended to read:

11 243.19 Findings and declaration of necessity.--It is
12 declared that for the benefit of the people of the state, the
13 increase of their commerce, welfare, and prosperity, and the
14 improvement of their health and living conditions, it is
15 essential that this and future generations of youth be given
16 the fullest opportunity to learn and to develop their
17 intellectual and mental capacities; that it is essential that
18 institutions for higher education within each county in the
19 state be provided with appropriate additional means to assist
20 such youth in achieving the required levels of learning and
21 development of their intellectual and mental capacities;and
22 that it is the purpose of this part to provide a measure of
23 assistance and an alternate method to enable institutions of
24 higher education in each county of this state to provide the
25 facilities and structures which are sorely needed to
26 accomplish the purposes of this part; and that it is essential
27 to provide additional assistance to institutions for higher
28 education by enabling those institutions to coordinate their
29 budgetary needs with the timing of receipt of tuition revenues
30 in a manner similar to programs authorized for school
31 districts within the state. The necessity in the public

1 interest of the provisions hereinafter enacted is hereby
2 declared as a matter of legislative determination.

3 Section 21. Effective May 1, 1999, or upon becoming a
4 law, whichever occurs first, subsections (5) and (6) of
5 section 243.20, Florida Statutes, are amended, and subsection
6 (10) is added to that section, to read:

7 243.20 Definitions.--The following terms, wherever
8 used or referred to in this part shall have the following
9 respective meanings, unless a different meaning clearly
10 appears from the context:

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

30 (6) "Cost," as applied to a project or any portion
31 thereof financed under the provisions of this part, embraces

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

29 (10) "Loan in anticipation of tuition revenues" means
30 a loan to an institution for higher education under
31 circumstances in which tuition revenues anticipated to be

1 received by the institution in any budget year are estimated
2 to be insufficient at any time during the budget year to pay
3 the operating expenses or other obligations of the institution
4 in accordance with the budget of the institution. The loans
5 are permitted within guidelines adopted by the authority
6 consistent with the provisions for similar loans undertaken by
7 school districts under s. 237.151, excluding provisions
8 applicable to the limitations on borrowings relating to the
9 levy of taxes and the adoption of budgets in accordance with
10 law applicable solely to school districts.

11 Section 22. Effective May 1, 1999, or upon becoming a
12 law, whichever occurs first, subsection (12) of section
13 243.22, Florida Statutes, is amended to read:

14 243.22 Powers of authority.--The purpose of the
15 authority shall be to assist institutions for higher education
16 in the construction, financing, and refinancing of projects,
17 and for this purpose the authority is authorized and
18 empowered:

19 (12) To make loans to any participating institution
20 for higher education for the cost of a project, including a
21 loan in anticipation of tuition revenues,in accordance with
22 an agreement between the authority and the participating
23 institution for higher education; provided no such loan shall
24 exceed the total cost of the project as determined by the
25 participating institution for higher education and approved by
26 the authority.

27 Section 23. Except as otherwise provided herein, this
28 act shall take effect July 1, 1999.

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