

By the Committee on Education; and Senator Constantine

304-2305-03

1 A bill to be entitled
2 An act relating to state universities; amending
3 s. 17.076, F.S.; providing an exception to a
4 public-records exemption; requiring a state
5 university to maintain confidentiality of
6 certain records; amending s. 110.161, F.S.;
7 defining employee for purposes of the pretax
8 benefits program to include state university
9 employees; amending s. 112.215, F.S.; defining
10 employee for purposes of the deferred
11 compensation program to include employees of
12 the state university board of trustees;
13 amending s. 287.064, F.S.; authorizing the
14 participation of state universities in
15 consolidated financing of deferred-payment
16 purchases; amending s. 440.38, F.S.; providing
17 that a state university is a self-insurer for
18 purposes of workers' compensation coverage;
19 amending s. 1001.71, F.S.; revising membership
20 and terms of office of the university boards of
21 trustees; amending s. 1001.74, F.S.; providing
22 that Department of Management Services retains
23 authority over state university employees for
24 purposes of the pretax benefits program;
25 amending s. 1004.24, F.S.; providing for a
26 financial audit pursuant to s. 11.45, F.S., for
27 the self-insurance program; amending s.
28 1009.21, F.S.; revising criteria to establish
29 residency for tuition purposes; revising
30 criteria for reclassification of residency for
31 tuition purposes; establishing the Board of

1 Governors; providing membership and terms of
2 office; providing for members to be reimbursed
3 for travel and per diem expenses; creating s.
4 1010.10, F.S.; creating the Florida Uniform
5 Management of Institutional Funds Act;
6 providing definitions; providing for
7 expenditure of endowment funds by a governing
8 board; providing for a standard of conduct;
9 providing investment authority; providing for
10 delegation of investment management; providing
11 for investment costs; providing for uniformity
12 of application and construction; requiring the
13 University of South Florida and the University
14 of Central Florida to play college football;
15 repealing s. 1001.71(1), (3), and (4), relating
16 to a state university board of trustees;
17 providing an effective date.

18

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

20

21 Section 1. Subsection (5) of section 17.076, Florida
22 Statutes, is amended to read:

23 17.076 Direct deposit of funds.--

24 (5) All direct deposit records made prior to October
25 1, 1986, are exempt from the provisions of s. 119.07(1). With
26 respect to direct deposit records made on or after October 1,
27 1986, the names of the authorized financial institutions and
28 the account numbers of the beneficiaries are confidential and
29 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.
30 I of the State Constitution. Notwithstanding this exemption
31 and s. 119.07(3)(dd), the department may provide a state

1 university, upon request, with that university's employee or
2 vendor direct deposit authorization information on file with
3 the department in order to accommodate the transition to the
4 university accounting system. The state university shall
5 maintain the confidentiality of all such information provided
6 by the department.

7 Section 2. Subsection (2) of section 110.161, Florida
8 Statutes, is amended to read:

9 110.161 State employees; pretax benefits program.--

10 (2) As used in this section, "employee" means any
11 individual filling an authorized and established position in
12 the executive, legislative, or judicial branch of the state,
13 including the employees of the State Board of Administration
14 and the state universities.

15 Section 3. Subsection (2) of section 112.215, Florida
16 Statutes, is amended to read:

17 112.215 Government employees; deferred compensation
18 program.--

19 (2) For the purposes of this section, the term
20 "employee" means any person, whether appointed, elected, or
21 under contract, providing services for the state; any state
22 agency or county or other political subdivision of the state;
23 any municipality; any state university board of trustees;or
24 any constitutional county officer under s. 1(d), Art. VIII of
25 the State Constitution for which compensation or statutory
26 fees are paid.

27 Section 4. Subsections (1), (2), (3), (4), (5), and
28 (6) of section 287.064, Florida Statutes, are amended to read:

29 287.064 Consolidated financing of deferred-payment
30 purchases.--

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1 (1) The Division of Bond Finance of the State Board of
2 Administration and the Comptroller shall plan and coordinate
3 deferred-payment purchases made by or on behalf of the state
4 or its agencies or by or on behalf of state universities or
5 state community colleges participating under this section
6 pursuant to s. 1001.74(5) or s. 1001.64(26). The Division of
7 Bond Finance shall negotiate and the Comptroller shall execute
8 agreements and contracts to establish master equipment
9 financing agreements for consolidated financing of
10 deferred-payment, installment sale, or lease purchases with a
11 financial institution or a consortium of financial
12 institutions. As used in this act, the term "deferred-payment"
13 includes installment sale and lease-purchase.

14 (a) The period during which equipment may be acquired
15 under any one master equipment financing agreement shall be
16 limited to not more than 3 years.

17 (b) Repayment of the whole or a part of the funds
18 drawn pursuant to the master equipment financing agreement may
19 continue beyond the period established pursuant to paragraph
20 (a).

21 (c) The interest rate component of any master
22 equipment financing agreement shall be deemed to comply with
23 the interest rate limitation imposed in s. 287.063 so long as
24 the interest rate component of every interagency, state
25 university, or community college agreement entered into under
26 such master equipment financing agreement complies with the
27 interest rate limitation imposed in s. 287.063. Such interest
28 rate limitation does not apply when the payment obligation
29 under the master equipment financing agreement is rated by a
30 nationally recognized rating service in any one of the three
31 highest classifications, which rating services and

1 classifications are determined pursuant to rules adopted by
2 the Comptroller.

3 (2) Unless specifically exempted by the Comptroller,
4 all deferred-payment purchases, including those made by a
5 state university or community college that is participating
6 under this section, shall be acquired by funding through
7 master equipment financing agreements. The Comptroller is
8 authorized to exempt any purchases from consolidated financing
9 when, in his or her judgment, alternative financing would be
10 cost-effective or otherwise beneficial to the state.

11 (3) The Comptroller may require agencies to enter into
12 interagency agreements and may require participating state
13 universities or community colleges to enter into systemwide
14 agreements for the purpose of carrying out the provisions of
15 this act.

16 (a) The term of any interagency or systemwide
17 agreement shall expire on June 30 of each fiscal year but
18 shall automatically be renewed annually subject to
19 appropriations and deferred-payment schedules. The period of
20 any interagency or systemwide agreement shall not exceed the
21 useful life of the equipment for which the agreement was made
22 as determined by the Comptroller.

23 (b) The interagency or systemwide agreements may
24 include, but are not limited to, equipment costs, terms, and a
25 pro rata share of program and issuance expenses.

26 (4) Each state university or community college may
27 choose to have its purchasing agreements involving
28 administrative and instructional materials consolidated under
29 this section.

30 (5) The Comptroller is authorized to automatically
31 debit each agency's funds or each state university's funds and

1 each community college's portion of the Community College
2 Program Fund consistently with the deferred-payment schedules.

3 (6) There is created the Consolidated Payment Trust
4 Fund in the Comptroller's office for the purpose of
5 implementing the provisions of this act. All funds debited
6 from each agency, state university, and ~~each~~ community college
7 may be deposited in the trust fund and shall be used to meet
8 the financial obligations incurred pursuant to this act. Any
9 income from the investment of funds may be used to fund
10 administrative costs associated with this program.

11 Section 5. Subsection (6) of section 440.38, Florida
12 Statutes, is amended to read:

13 440.38 Security for compensation; insurance carriers
14 and self-insurers.--

15 (6) The state and its boards, bureaus, departments,
16 and agencies and all of its political subdivisions which
17 employ labor, and the state universities, shall be deemed
18 self-insurers under the terms of this chapter, unless they
19 elect to procure and maintain insurance to secure the benefits
20 of this chapter to their employees; and they are hereby
21 authorized to pay the premiums for such insurance.

22 Section 6. Section 1001.71, Florida Statutes, is
23 amended to read:

24 1001.71 University boards of trustees; membership.--

25 (1) Pursuant to s. 7(c), Art. IX of the State
26 Constitution, each local constituent state university shall be
27 administered by a university board of trustees comprised of 13
28 members as follows: six citizen members appointed by the
29 Governor subject to confirmation by the Senate, five citizen
30 members appointed by the Board of Governors subject to
31 confirmation by the Senate, the chair of the faculty senate or

1 the equivalent, and the president of the student body of the
2 university. In order to achieve staggered terms, beginning
3 July 1, 2003, of the initial appointments by the Governor, one
4 member shall be appointed to serve a 3-year term, three
5 members shall be appointed to serve 4-year terms, and two
6 members shall be appointed to serve 5-year terms. Beginning
7 July 1, 2003, of the initial appointments of the Board of
8 Governors, one member shall be appointed to serve a 3-year
9 term, two members shall be appointed to serve 4-year terms,
10 and 2 members shall be appointed to serve 5-year terms.

11 ~~University boards of trustees shall be comprised of 12 members~~
12 ~~appointed by the Governor and confirmed by the Senate in the~~
13 ~~regular legislative session immediately following his or her~~
14 ~~appointment. In addition, the student body president elected~~
15 ~~on the main campus of the university pursuant to s. 1004.26~~
16 ~~shall serve ex officio as a voting member of his or her~~
17 ~~university board of trustees. There shall be no state~~
18 ~~residency requirement for university board members, but the~~
19 ~~Governor shall consider diversity and regional representation.~~

20 (2) Members of the boards of trustees shall receive no
21 compensation but may be reimbursed for travel and per diem
22 expenses as provided in s. 112.061.

23 ~~(3) The Governor may remove a trustee upon the~~
24 ~~recommendation of the State Board of Education, or for cause.~~

25 ~~(4) Boards of trustees' members shall be appointed for~~
26 ~~staggered 4-year terms, and may be reappointed for additional~~
27 ~~terms not to exceed 8 years of service.~~

28 (3)(5) Each board of trustees shall select its chair
29 and vice chair from the appointed members at its first regular
30 meeting after July 1. The chair shall serve for 2 years and
31 may be reselected for one additional consecutive term. The

1 duties of the chair shall include presiding at all meetings of
2 the board of trustees, calling special meetings of the board
3 of trustees, and attesting to actions of the board of
4 trustees, ~~and notifying the Governor in writing whenever a~~
5 ~~board member fails to attend three consecutive regular board~~
6 ~~meetings in any fiscal year, which failure may be grounds for~~
7 ~~removal~~. The duty of the vice chair is to act as chair during
8 the absence or disability of the chair.

9 (4)~~(6)~~ The university president shall serve as
10 executive officer and corporate secretary of the board of
11 trustees and shall be responsible to the board of trustees for
12 all operations of the university and for setting the agenda
13 for meetings of the board of trustees in consultation with the
14 chair.

15 Section 7. Subsection (19) of section 1001.74, Florida
16 Statutes, is amended to read:

17 1001.74 Powers and duties of university boards of
18 trustees.--

19 (19) Each board of trustees shall establish the
20 personnel program for all employees of the university,
21 including the president, pursuant to the provisions of chapter
22 1012 and, in accordance with rules and guidelines of the State
23 Board of Education, including: compensation and other
24 conditions of employment, recruitment and selection,
25 nonreappointment, standards for performance and conduct,
26 evaluation, benefits and hours of work, leave policies,
27 recognition and awards, inventions and works, travel, learning
28 opportunities, exchange programs, academic freedom and
29 responsibility, promotion, assignment, demotion, transfer,
30 tenure and permanent status, ethical obligations and conflicts
31 of interest, restrictive covenants, disciplinary actions,

1 complaints, appeals and grievance procedures, and separation
2 and termination from employment. The Department of Management
3 Services shall retain authority over state university
4 employees for programs established in ss. 110.123, 110.161,
5 110.1232, 110.1234, and 110.1238 and in chapters 121, 122, and
6 238.

7 Section 8. Subsection (5) of section 1004.24, Florida
8 Statutes, is amended to read:

9 1004.24 State Board of Education authorized to secure
10 liability insurance.--

11 (5) Each self-insurance program council shall make
12 provision for an annual financial audit pursuant to s. 11.45
13 ~~postaudit~~ of its ~~financial~~ accounts to be conducted by an
14 independent certified public accountant. The annual audit
15 report must include a management letter and shall be submitted
16 to the State Board of Education for review. The State Board of
17 Education shall have the authority to require and receive from
18 the self-insurance program council or from its independent
19 auditor any detail or supplemental data relative to the
20 operation of the self-insurance program.

21 Section 9. Paragraph (f) is added to subsection (1),
22 paragraphs (a) and (b) of subsection (2) are amended, and
23 paragraph (d) is added to subsection (2) of section 1009.21,
24 Florida Statutes, to read:

25 1009.21 Determination of resident status for tuition
26 purposes.--Students shall be classified as residents or
27 nonresidents for the purpose of assessing tuition in community
28 colleges and state universities.

29 (1) As used in this section:

30 (f) The term "initial enrollment" means the first day
31 of class.

1 (2)(a) To qualify as a resident for tuition purposes:

2 1. A person or, if that person is a dependent child,
3 his or her parent or parents must have established legal
4 residence in this state and must have maintained legal
5 residence in this state for at least 12 months immediately
6 prior to his or her initial enrollment at an institution of
7 higher education ~~qualification~~.

8 2. Every applicant for admission to an institution of
9 higher education shall be required to make a statement as to
10 his or her length of residence in the state and, further,
11 shall establish that his or her presence or, if the applicant
12 is a dependent child, the presence of his or her parent or
13 parents in the state currently is, and during the requisite
14 12-month qualifying period was, for the purpose of maintaining
15 a bona fide domicile, rather than for the purpose of
16 maintaining a mere temporary residence or abode incident to
17 enrollment in an institution of higher education.

18 (b) However, with respect to a dependent child living
19 with an adult relative other than the child's parent, such
20 child may qualify as a resident for tuition purposes if the
21 adult relative is a legal resident who has maintained legal
22 residence in this state for at least 12 months immediately
23 prior to the child's initial enrollment at an institution of
24 higher learning ~~qualification~~, provided the child has resided
25 continuously with such relative for the 5 years immediately
26 prior to the child's initial enrollment at an institution of
27 higher learning ~~qualification~~, during which time the adult
28 relative has exercised day-to-day care, supervision, and
29 control of the child.

30 (d) An individual who is classified as a nonresident
31 for tuition purposes may become eligible for reclassification

1 as a resident for tuition purposes if that individual or, if
2 that individual is a dependent child, his or her parents,
3 presents documentation that supports permanent residency in
4 this state, such as documentation of permanent full-time
5 employment for the previous 12 months or the purchase of a
6 home in this state and residence in the state for the prior 12
7 months.

8 Section 10. Board of Governors.--

9 (1) Pursuant to Section 7(d), Article IX of the State
10 Constitution, the Board of Governors is established as a body
11 corporate comprised of 17 members as follows: 14 citizen
12 members appointed by the Governor and subject to confirmation
13 by the Senate, the Commissioner of Education, the chair of the
14 advisory council of faculty senates or the equivalent, and the
15 president of the Florida Student Association or the
16 equivalent. The appointed members shall be appointed to serve
17 staggered 7-year terms. In order to achieve staggered terms,
18 beginning July 1, 2003, of the initial appointments, four
19 members shall be appointed to serve 6-year terms, five members
20 shall be appointed to serve 5-year terms, and five members
21 shall be appointed to serve 4-year terms.

22 (2) Members of the Board of Governors shall receive no
23 compensation but may be reimbursed for travel and per diem
24 expenses as provided in section 112.061, Florida Statutes.

25 (3) The Board of Governors is subject to Section 24,
26 Article I of the State Constitution, chapter 119, Florida
27 Statutes, and section 286.011, Florida Statutes.

28 Section 11. Effective upon this act becoming a law and
29 applicable retroactive to January 7, 2003, section 1010.10,
30 Florida Statutes, is created to read:

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1 1010.10 Florida Uniform Management of Institutional
2 Funds Act.--

3 (1) SHORT TITLE.--This section may be cited as the
4 "Florida Uniform Management of Institutional Funds Act."

5 (2) DEFINITIONS.--As used in this section, the term:

6 (a) "Endowment fund" means an institutional fund, or
7 any part thereof, not wholly expendable by the institution on
8 a current basis under the terms of the applicable gift
9 instrument.

10 (b) "Governing board" means the body responsible for
11 the management of an institution or of an institutional fund.

12 (c) "Institution" means an incorporated or
13 unincorporated organization organized and operated exclusively
14 for the advancement of educational purposes, or a governmental
15 entity to the extent that it holds funds exclusively for
16 educational purposes.

17 (d) "Institutional fund" means a fund held by an
18 institution for its exclusive use, benefit, or purposes. The
19 term excludes a fund held for an institution by a trustee that
20 is not an institution. The term also excludes a fund in which
21 a beneficiary that is not an institution has an interest,
22 other than possible rights that could arise upon violation or
23 failure of the purposes of the fund.

24 (e) "Instrument" means a will; deed; grant;
25 conveyance; agreement; memorandum; electronic record; writing;
26 or other governing document, including the terms of any
27 institutional solicitations from which an institutional fund
28 resulted, under which property is transferred to or held by an
29 institution as an institutional fund.

30 (3) EXPENDITURE OF ENDOWMENT FUNDS.--
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1 (a) A governing board may expend so much of an
2 endowment fund as the governing board determines to be prudent
3 for the uses and purposes for which the endowment fund is
4 established, consistent with the goal of conserving the
5 purchasing power of the endowment fund. In making its
6 determination the governing board shall use reasonable care,
7 skill, and caution in considering the following:

- 8 1. The purposes of the institution;
9 2. The intent of the donors of the endowment fund;
10 3. The terms of the applicable instrument;
11 4. The long-term and short-term needs of the
12 institution in carrying out its purposes;
13 5. The general economic conditions;
14 6. The possible effect of inflation or deflation;
15 7. The other resources of the institution; and
16 8. Perpetuation of the endowment.

17
18 Expenditures made under this paragraph will be considered
19 prudent if the amount expended is consistent with the goal of
20 preserving the purchasing power of the endowment fund.

21 (b) A restriction upon the expenditure of an endowment
22 fund may not be implied from a designation of a gift as an
23 endowment or from a direction or authorization in the
24 instrument to use only "income," "interest," "dividends," or
25 "rents, issues or profits," or "to preserve the principal
26 intact," or words of similar import.

27 (c) The provisions of paragraph (a) shall not apply to
28 instruments if the instrument so indicates by stating, "I
29 direct that the expenditure provision of paragraph (a) of
30 subsection (3) of the Florida Uniform Management of
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1 Institutional Funds Act not apply to this gift" or words of
2 similar import.

3 (d) This subsection does not limit the authority of a
4 governing board to expend funds as permitted under other law,
5 the terms of the instrument, or the charter of the
6 institution.

7 (e) Except as otherwise provided, this subsection
8 applies to instruments executed or in effect before or after
9 the effective date of this section.

10 (4) STANDARD OF CONDUCT.--

11 (a) Members of a governing board shall invest and
12 manage an institutional fund as a prudent investor would, by
13 considering the purposes, distribution requirements, and other
14 circumstances of the fund. In satisfying this standard, the
15 governing board shall exercise reasonable care, skill, and
16 caution.

17 (b) A governing board's investment and management
18 decisions about individual assets shall be made not in
19 isolation but in the context of the institutional fund's
20 portfolio of investments as a whole and as a part of an
21 overall investment strategy that provides risk and return
22 objectives reasonably suited to the fund and to the
23 institution.

24 (c) Among circumstances that a governing board shall
25 consider are:

26 1. Long-term and short-term needs of the institution
27 in carrying out its purposes;

28 2. Its present and anticipated financial resources;

29 3. General economic conditions;

30 4. The possible effect of inflation or deflation;

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1 5. The expected tax consequences, if any, of
2 investment decisions or strategies;

3 6. The role that each investment or course of action
4 plays within the overall investment portfolio of the
5 institutional fund;

6 7. The expected total return from income and the
7 appreciation of its investments;

8 8. Other resources of the institution;

9 9. The needs of the institution and the institutional
10 fund for liquidity, regularity of income, and preservation or
11 appreciation of capital; and

12 10. An asset's special relationship or special value,
13 if any, to the purposes of the applicable gift instrument or
14 to the institution.

15 (d) A governing board shall make a reasonable effort
16 to verify the facts relevant to the investment and management
17 of institutional fund assets.

18 (e) A governing board shall diversify the investments
19 of an institutional fund unless the board reasonably
20 determines that, because of special circumstances, the
21 purposes of the fund are better served without diversifying.

22 (f) A governing board shall invest and manage the
23 assets of an institutional fund solely in the interest of the
24 institution.

25 (5) INVESTMENT AUTHORITY.--In addition to an
26 investment otherwise authorized by law or by the applicable
27 gift instrument, and without restriction to investments a
28 fiduciary may make, the governing board, subject to any
29 specific limitations in the applicable gift instrument or in
30 the applicable law, other than law relating to investments by
31 a fiduciary:

1 (a) Within a reasonable time after receiving property,
2 shall review the property and make and implement decisions
3 concerning the retention and disposition of the assets, in
4 order to bring the portfolio of the institutional fund into
5 compliance with the purposes, terms, distribution
6 requirements, and other circumstances of the institution, and
7 with the requirements of this section;

8 (b) May invest in any kind of property or type of
9 investment consistent with the standards of this section;

10 (c) May include all or any part of an institutional
11 fund in any pooled or common fund maintained by the
12 institution; and

13 (d) May invest all or any part of the institutional
14 fund in any other pooled or common fund available for
15 investment, including shares or interests in regulated
16 investment companies, mutual funds, common trust funds,
17 investment partnerships, real estate investment trusts, or
18 similar organizations in which funds are commingled and
19 investment determinations are made by persons other than the
20 governing board.

21 (6) DELEGATION OF INVESTMENT MANAGEMENT.--

22 (a) Except as otherwise provided by applicable law
23 relating to governmental institutions or funds, a governing
24 board may delegate investment and management functions that a
25 prudent governing body could properly delegate under the
26 circumstances. A governing board shall exercise reasonable
27 care, skill, and caution in:

28 1. Selecting an agent;

29 2. Establishing the scope and terms of the delegation,
30 consistent with the purposes of the institutional fund; and
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1 3. Periodically reviewing the agent's actions to
2 monitor the agent's performance and the agent's compliance
3 with the terms of the delegation.

4 (b) In performing a delegated function, an agent owes
5 a duty to the governing board to exercise reasonable care to
6 comply with the terms of the delegation.

7 (c) The members of a governing board who comply with
8 the requirements of paragraph (a) are not liable for the
9 decisions or actions of the agent to whom the function was
10 delegated.

11 (d) By accepting the delegation of an investment or
12 management function from a governing board of an institution
13 that is subject to the laws of this state, an agent submits to
14 the jurisdiction of the courts of this state in all actions
15 arising from the delegation.

16 (7) INVESTMENT COSTS.--In investing and managing trust
17 assets, a governing board may only incur costs that are
18 appropriate and reasonable in relation to the assets and the
19 purposes of the institution.

20 (8) RELEASE OF RESTRICTIONS ON USE OR INVESTMENT.--

21 (a) With the written consent of the donor, a governing
22 board may release, in whole or in part, a restriction imposed
23 by the applicable instrument on the use or investment of an
24 institutional fund.

25 (b) If written consent of the donor cannot be obtained
26 by reason of the donor's death, disability, unavailability, or
27 impossibility of identification, a governing board may
28 release, in whole or in part, a restriction imposed by the
29 applicable instrument on the use or investment of an
30 institutional fund if the fund has a total value of less than
31 \$100,000 and if the governing board, in its fiduciary

1 judgment, concludes that the value of the fund is insufficient
2 to justify the cost of administration as a separate
3 institutional fund.

4 (c) If written consent of the donor cannot be obtained
5 by reason of the donor's death, disability, unavailability, or
6 impossibility of identification, a governing board may apply
7 in the name of the institution to the circuit court of the
8 county in which the institution is located for release of a
9 restriction imposed by the applicable instrument on the use or
10 investment of an institutional fund. The Attorney General
11 shall be notified of the application and shall be given an
12 opportunity to be heard. If the court finds that the
13 restriction is unlawful, impracticable, impossible to achieve,
14 or wasteful, it may by order release the restriction in whole
15 or in part. A release under this subsection may not change an
16 endowment fund to a fund that is not an endowment fund.

17 (d) A release under this subsection may not allow a
18 fund to be used for purposes other than the educational
19 purposes of the institution affected.

20 (e) This subsection does not limit the application of
21 the doctrine of cy pres.

22 (9) UNIFORMITY OF APPLICATION AND CONSTRUCTION.--This
23 act shall be applied and construed so as to effectuate its
24 general purpose to make uniform the law with respect to the
25 subject of this act among those states which enact it.

26 Section 12. Beginning in 2005 and annually thereafter,
27 the University of South Florida shall play the University of
28 Central Florida in college football. The game shall take place
29 at the home venue or stadium of either the University of South
30 Florida or the University of Central Florida in 2005 with the
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1 home site of the game alternating between the schools annually
2 thereafter.

3 Section 13. Section 1001.71(1),(3), and (4), Florida
4 Statutes, as created by section 83, chapter 2002-387, Laws of
5 Florida, and as amended by section 2, chapter 2002-188, Laws
6 of Florida, is repealed.

7 Section 14. Except as otherwise expressly provided in
8 this act, this act shall take effect upon becoming a law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1520

4 The committee substitute creates the Board of Governors
5 comprised of 17 members as follows: 14 citizen members
6 appointed by the Governor and subject to confirmation by the
7 Senate, the Commissioner of Education, the chair of the
8 advisory council of faculty senates or the equivalent, and the
9 president of the Florida Student Association or the
10 equivalent.

11 The committee substitute provides for staggered terms for the
12 Board of Governors in order to implement constitutional
13 requirements. Four members are appointed to serve 6-year
14 terms, five members are appointed to serve 5-year terms, and
15 five members are appointed to serve 4-year terms. Members of
16 the Board of Governors serve without compensation but may be
17 reimbursed for travel and per diem expenses as provided in s.
18 112.061, F.S. The Board of Governors is subject to the public
19 disclosure requirements of s. 24, Art. I of the State
20 Constitution, chapter 119, F.S., and s. 286.011, F.S.

21 The committee substitute creates university boards of trustees
22 comprised of 13 members as follows: six citizen members
23 appointed by the Governor subject to confirmation by the
24 Senate, five citizen members appointed by the Board of
25 Governors subject to confirmation by the Senate, the chair of
26 the faculty senate or the equivalent, and the president of the
27 student body.

28 The committee substitute provides staggered terms for the
29 university boards of trustees to implement constitutional
30 requirements. The Governor's six appointees are appointed to
31 serve as follows: one member is appointed to serve a 3-year
term, three members are appointed to serve 4-year terms, and
two members are appointed to serve 5-year terms. The Board of
Governors' five appointees are appointed to serve as follows:
one member is appointed to serve a 3-year term, two members
are appointed to serve 4-year terms, and two members are
appointed to serve 5-year terms. Provisions relating to
removal, representation, and term limits are eliminated.

The committee substitute makes conforming changes to the
pretax benefits program, direct deposit of funds, consolidated
equipment financing, and self-insurance for workers'
compensation made necessary by the K-20 Education Code.

The committee substitute recreates and modifies the Florida
Uniform Management of Institutional Funds Act. Institutions
may now expend endowment funds despite the endowment value
falling below the historic dollar value of the original gift
and subsequent donations.

The committee substitute revises the determination of
residency for tuition purposes to require 12 months of state
residency immediately prior to initial enrollment at an
institution of higher learning. Documentary evidence to
reclassify an individual as a state resident for tuition
purposes is revised to require evidence such as permanent

1 full-time employment or the purchase and residence in a home
2 in the state for the previous 12 months.

3 The committee substitute requires the University of South
4 Florida and the University of Central Florida to play
5 collegiate football against each other under a home and home
6 format.
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