

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Mealor offered the following:

**Amendment (with title amendment)**

Between line(s) 409 and 410, insert:

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

17.076 Direct deposit of funds.--

(5) All direct deposit records made prior to October 1, 1986, are exempt from the provisions of s. 119.07(1). With respect to direct deposit records made on or after October 1, 1986, the names of the authorized financial institutions and the account numbers of the beneficiaries are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Notwithstanding this exemption and the provisions of s. 119.07(3)(dd), the department may provide a state university, upon request, with that university's employee

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28 or vendor direct deposit authorization information on file with  
29 the department in order to accommodate the transition to the  
30 university accounting system. The state university shall  
31 maintain the confidentiality of all such information provided by  
32 the department.

33 Section 6. Paragraph (a) of subsection (1) of section  
34 20.055, Florida Statutes, is amended to read:

35 20.055 Agency inspectors general.--

36 (1) For the purposes of this section:

37 (a) "State agency" means each department created pursuant  
38 to this chapter, and also includes the Executive Office of the  
39 Governor, the Department of Military Affairs, ~~the Board of~~  
40 ~~Regents~~, the Fish and Wildlife Conservation Commission, the  
41 Public Service Commission, and the state courts system.

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

44 110.161 State employees; pretax benefits program.--

45 (2) As used in this section, "employee" means any  
46 individual filling an authorized and established position in the  
47 executive, legislative, or judicial branch of the state,  
48 including the employees of the State Board of Administration and  
49 state universities.

50 Section 8. Subsection (2) of section 112.215, Florida  
51 Statutes, is amended to read:

52 112.215 Government employees; deferred compensation  
53 program.--

54 (2) For the purposes of this section, the term "employee"  
55 means any person, whether appointed, elected, or under contract,  
56 providing services for the state; any state agency or county or

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57 other political subdivision of the state; any municipality; any  
58 state university board of trustees; or any constitutional county  
59 officer under s. 1(d), Art. VIII of the State Constitution for  
60 which compensation or statutory fees are paid.

61 Section 9. Subsections (1) through (6) of section 287.064,  
62 Florida Statutes, are amended to read:

63 287.064 Consolidated financing of deferred-payment  
64 purchases.--

65 (1) The Division of Bond Finance of the State Board of  
66 Administration and the Comptroller shall plan and coordinate  
67 deferred-payment purchases made by or on behalf of the state or  
68 its agencies or by or on behalf of state universities or state  
69 community colleges participating under this section pursuant to  
70 s. 1001.74(5) or s. 1001.64(26), respectively. The Division of  
71 Bond Finance shall negotiate and the Comptroller shall execute  
72 agreements and contracts to establish master equipment financing  
73 agreements for consolidated financing of deferred-payment,  
74 installment sale, or lease purchases with a financial  
75 institution or a consortium of financial institutions. As used  
76 in this act, the term "deferred-payment" includes installment  
77 sale and lease-purchase.

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

81 (b) Repayment of the whole or a part of the funds drawn  
82 pursuant to the master equipment financing agreement may  
83 continue beyond the period established pursuant to paragraph  
84 (a).

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85 (c) The interest rate component of any master equipment  
86 financing agreement shall be deemed to comply with the interest  
87 rate limitation imposed in s. 287.063 so long as the interest  
88 rate component of every interagency, state university, or  
89 community college agreement entered into under such master  
90 equipment financing agreement complies with the interest rate  
91 limitation imposed in s. 287.063. Such interest rate limitation  
92 does not apply when the payment obligation under the master  
93 equipment financing agreement is rated by a nationally  
94 recognized rating service in any one of the three highest  
95 classifications, which rating services and classifications are  
96 determined pursuant to rules adopted by the Comptroller.

97 (2) Unless specifically exempted by the Comptroller, all  
98 deferred-payment purchases, including those made by a state  
99 university or community college that is participating under this  
100 section, shall be acquired by funding through master equipment  
101 financing agreements. The Comptroller is authorized to exempt  
102 any purchases from consolidated financing when, in his or her  
103 judgment, alternative financing would be cost-effective or  
104 otherwise beneficial to the state.

105 (3) The Comptroller may require agencies to enter into  
106 interagency agreements and may require participating state  
107 universities or community colleges to enter into systemwide  
108 agreements for the purpose of carrying out the provisions of  
109 this act.

110 (a) The term of any interagency or systemwide agreement  
111 shall expire on June 30 of each fiscal year but shall  
112 automatically be renewed annually subject to appropriations and  
113 deferred-payment schedules. The period of any interagency or

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114 systemwide agreement shall not exceed the useful life of the  
115 equipment for which the agreement was made as determined by the  
116 Comptroller.

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

120 (4) Each state university or community college may choose  
121 to have its purchasing agreements involving administrative and  
122 instructional materials consolidated under this section.

123 (5) The Comptroller is authorized to automatically debit  
124 each agency's or state university's funds and each community  
125 college's portion of the Community College Program Fund  
126 consistently with the deferred-payment schedules.

127 (6) There is created the Consolidated Payment Trust Fund  
128 in the Comptroller's office for the purpose of implementing the  
129 provisions of this act. All funds debited from each agency,  
130 state university, and ~~each~~ community college may be deposited in  
131 the trust fund and shall be used to meet the financial  
132 obligations incurred pursuant to this act. Any income from the  
133 investment of funds may be used to fund administrative costs  
134 associated with this program.

135 Section 10. Subsection (6) of section 440.38, Florida  
136 Statutes, is amended to read:

137 440.38 Security for compensation; insurance carriers and  
138 self-insurers.--

139 (6) The state and its boards, bureaus, departments, and  
140 agencies and all of its political subdivisions which employ  
141 labor, and the state universities, shall be deemed self-insurers  
142 under the terms of this chapter, unless they elect to procure

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143 and maintain insurance to secure the benefits of this chapter to  
144 their employees; and they are hereby authorized to pay the  
145 premiums for such insurance.

146 Section 11. Subsection (19) of section 1001.74, Florida  
147 Statutes, is amended to read:

148 1001.74 Powers and duties of university boards of  
149 trustees.--

150 (19) Each board of trustees shall establish the personnel  
151 program for all employees of the university, including the  
152 president, pursuant to the provisions of chapter 1012 and, in  
153 accordance with rules and guidelines of the State Board of  
154 Education, including: compensation and other conditions of  
155 employment, recruitment and selection, nonreappointment,  
156 standards for performance and conduct, evaluation, benefits and  
157 hours of work, leave policies, recognition and awards,  
158 inventions and works, travel, learning opportunities, exchange  
159 programs, academic freedom and responsibility, promotion,  
160 assignment, demotion, transfer, tenure and permanent status,  
161 ethical obligations and conflicts of interest, restrictive  
162 covenants, disciplinary actions, complaints, appeals and  
163 grievance procedures, and separation and termination from  
164 employment. The Department of Management Services shall retain  
165 authority over state university employees for programs  
166 established in ss. 110.123, 110.1232, 110.1234, ~~and~~ 110.1238,  
167 and 110.161 and in chapters 121, 122, and 238.

168 Section 12. Subsection (5) of section 1004.24, Florida  
169 Statutes, is amended to read:

170 1004.24 State Board of Education authorized to secure  
171 liability insurance.--

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172 (5) Each self-insurance program council shall make  
173 provision for an annual financial audit pursuant to s. 11.45  
174 ~~postaudit~~ of its ~~financial~~ accounts to be conducted by an  
175 independent certified public accountant. The annual audit report  
176 must include a management letter and shall be submitted to the  
177 State Board of Education for review. The State Board of  
178 Education shall have the authority to require and receive from  
179 the self-insurance program council or from its independent  
180 auditor any detail or supplemental data relative to the  
181 operation of the self-insurance program.

182 Section 13. Subsections (1) and (5) of section 1004.26,  
183 Florida Statutes, are amended to read:

184 1004.26 University student governments.--

185 (1) A student government is created on the main campus of  
186 each state university. In addition, each university board of  
187 trustees may establish a student government on any branch campus  
188 or center. Each student government is a part of the university  
189 at which it is established.

190 ~~(5) Each student government is a part of the university at~~  
191 ~~which it is established. If an internal procedure of the~~  
192 ~~university student government is disapproved by the university~~  
193 ~~president under s. 229.0082(15), a member of the university~~  
194 ~~board of trustees may request a review of the disapproved~~  
195 ~~procedure at the next meeting of the board of trustees.~~

196 Section 14. Paragraph (d) of subsection (3) of section  
197 1004.445, Florida Statutes, is amended to read:

198 1004.445 Florida Alzheimer's Center and Research  
199 Institute.--

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200 (3) The State Board of Education shall provide in the  
201 agreement with the not-for-profit corporation for the following:

202 (d) Preparation of an annual financial audit pursuant to  
203 s. 11.45 ~~postaudit~~ of the not-for-profit corporation's ~~financial~~  
204 ~~accounts~~ and the ~~financial~~ accounts of any subsidiaries to be  
205 conducted by an independent certified public accountant. The  
206 annual audit report shall include management letters and shall  
207 be submitted to the Auditor General and the State Board of  
208 Education for review. The State Board of Education, the Auditor  
209 General, and the Office of Program Policy Analysis and  
210 Government Accountability shall have the authority to require  
211 and receive from the not-for-profit corporation and any  
212 subsidiaries, or from their independent auditor, any detail or  
213 supplemental data relative to the operation of the not-for-  
214 profit corporation or subsidiary.

215 Section 15. Paragraphs (a) and (b) of subsection (2) of  
216 section 1009.21, Florida Statutes, are amended, paragraph (d) is  
217 added to said subsection, and paragraph (k) is added to  
218 subsection (10) of said section, to read:

219 1009.21 Determination of resident status for tuition  
220 purposes.--Students shall be classified as residents or  
221 nonresidents for the purpose of assessing tuition in community  
222 colleges and state universities.

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

224 1. A person or, if that person is a dependent child, his  
225 or her parent or parents must have established legal residence  
226 in this state and must have maintained legal residence in this  
227 state for at least 12 months immediately prior to his or her  
228 initial enrollment at a Florida postsecondary educational

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229 institution. For purposes of this section, the term "initial  
230 enrollment" is defined as the first day of class qualification.

231 2. Every applicant for admission to an institution of  
232 higher education shall be required to make a statement as to his  
233 or her length of residence in the state and, further, shall  
234 establish that his or her presence or, if the applicant is a  
235 dependent child, the presence of his or her parent or parents in  
236 the state currently is, and during the requisite 12-month  
237 qualifying period was, for the purpose of maintaining a bona  
238 fide domicile, rather than for the purpose of maintaining a mere  
239 temporary residence or abode incident to enrollment in an  
240 institution of higher education.

241 (b) However, with respect to a dependent child living with  
242 an adult relative other than the child's parent, such child may  
243 qualify as a resident for tuition purposes if the adult relative  
244 is a legal resident who has maintained legal residence in this  
245 state for at least 12 months immediately prior to the child's  
246 initial enrollment at a Florida postsecondary educational  
247 institution qualification, provided the child has resided  
248 continuously with such relative for the 5 years immediately  
249 prior to the child's initial enrollment qualification, during  
250 which time the adult relative has exercised day-to-day care,  
251 supervision, and control of the child.

252 (d) A person who is classified as a nonresident for  
253 tuition purposes may become eligible for reclassification as a  
254 resident for tuition purposes if that person, or if that person  
255 is a dependent child, his or her parent, presents documentation  
256 that supports permanent residency in this state, such as  
257 documentation of permanent full-time employment for the previous

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258 12 months or the purchase of a home in this state and residence  
259 therein for the prior 12 months.

260 (10) The following persons shall be classified as  
261 residents for tuition purposes:

262 (k) A graduate teaching assistant or graduate research  
263 assistant while employed by a state university, when such  
264 employment is at least one-half time in a teaching or research  
265 assistant position that relates to the graduate assistant's  
266 degree program.

267 Section 16. Subsections (3) and (13) of section 1009.24,  
268 Florida Statutes, are amended to read:

269 1009.24 State university student fees.--

270 (3) Within proviso in the General Appropriations Act and  
271 law, each board of trustees shall set university tuition and  
272 fees. The sum of the activity and service, health, and athletic  
273 fees a student is required to pay to register for a course shall  
274 not exceed 40 percent of the tuition established in law or in  
275 the General Appropriations Act. No university shall be required  
276 to lower any fee in effect on the effective date of this act in  
277 order to comply with this subsection. Within the 40 percent cap,  
278 universities may not increase the aggregate sum of activity and  
279 service, health, and athletic fees more than 5 percent per year  
280 unless specifically authorized in law or in the General  
281 Appropriations Act. This subsection does not prohibit a  
282 university from increasing or assessing optional fees related to  
283 specific activities if payment of such fees is not required as a  
284 part of registration for courses. Except as otherwise provided  
285 by law, the sum of nonresident tuition and out-of-state fees

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286 charged to undergraduates shall be sufficient to defray the full  
287 cost of undergraduate education.

288 (13) Each university board of trustees is authorized to  
289 establish a nonrefundable admissions deposit for undergraduate,  
290 graduate, and professional degree programs in an amount not to  
291 exceed \$200. The admissions deposit shall be imposed at the time  
292 of an applicant's acceptance to the university and shall be  
293 applied toward tuition upon enrollment. In the event the  
294 applicant does not enroll in the university, the admissions  
295 deposit shall be deposited in an auxiliary account of the  
296 university and used to expand financial assistance,  
297 scholarships, and student academic and career counseling  
298 services at the university. A university board of trustees that  
299 establishes an admissions deposit pursuant to this subsection  
300 must also adopt policies that provide for the waiver of such  
301 deposit on the basis of financial hardship. ~~The board of~~  
302 ~~trustees of the University of Florida is authorized to establish~~  
303 ~~an admissions deposit fee for the University of Florida College~~  
304 ~~of Dentistry in an amount not to exceed \$200.~~

305 Section 17. Section 1012.975, Florida Statutes, is created  
306 to read:

307 1012.975 Remuneration of state university presidents;  
308 limitations.--

309 (1) DEFINITIONS.--As used in this section, the term:

310 (a) "Cash-equivalent compensation" means any benefit that  
311 may be assigned an equivalent cash value.

312 (b) "Public funds" means funds appropriated from the  
313 General Revenue Fund, funds appropriated from state trust funds,

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314 tuition and fees, or any funds from a state university trust  
315 fund regardless of repository.

316 (c) "Remuneration" means salary, bonuses, and cash-  
317 equivalent compensation paid to a state university president by  
318 his or her employer for work performed, excluding health  
319 insurance benefits and retirement benefits.

320 (2) LIMITATION ON COMPENSATION.--Notwithstanding any other  
321 law, resolution, or rule to the contrary, a state university  
322 president may not receive more than \$225,000 in remuneration  
323 annually from public funds. Only compensation, as such term is  
324 defined in s. 121.021(22), provided to a state university  
325 president may be used in calculating benefits under chapter 121.

326 (3) EXCEPTIONS.--This section does not prohibit any party  
327 from providing cash or cash-equivalent compensation from funds  
328 that are not public funds to a state university president in  
329 excess of the limit in subsection (2). If a party is unable or  
330 unwilling to fulfill an obligation to provide cash or cash-  
331 equivalent compensation to a state university president as  
332 permitted under this subsection, public funds may not be used to  
333 fulfill such obligation.

334  
335 ===== T I T L E A M E N D M E N T =====

336 Between lines 28 and 29, insert:

337  
338 amending s. 17.076, F.S.; providing an exception to a public  
339 records exemption; amending s. 20.555, F.S.; deleting reference  
340 to the Board of Regents; amending s. 110.161, F.S.; including  
341 employees of state universities in the definition of "employee"  
342 for purposes of the pretax benefits program; amending s.

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343 112.215, F.S.; including employees of state university boards of  
344 trustees in the definition of "employee" for purposes of the  
345 deferred compensation program; amending s. 287.064, F.S.;  
346 authorizing state universities to continue to participate in the  
347 consolidated equipment financing program; amending s. 440.38,  
348 F.S.; including state universities as self-insurers for purposes  
349 of workers' compensation; amending s. 1001.74, F.S.; adding a  
350 cross reference relating to pretax benefits for state university  
351 employees; amending s. 1004.24, F.S.; deleting obsolete  
352 reference to postaudit of financial accounts; providing for  
353 financial audit pursuant to s. 11.45, F.S.; amending s. 1004.26,  
354 F.S.; conforming university oversight of student government;  
355 amending s. 1004.445, F.S.; deleting obsolete reference to  
356 postaudit of financial accounts; providing for financial audit  
357 pursuant to s. 11.45, F.S.; amending s. 1009.21, F.S.; revising  
358 provisions relating to determination of resident status for  
359 tuition purposes; providing for reclassification; providing for  
360 classification of certain graduate teaching assistants or  
361 graduate research assistants; amending s. 1009.24, F.S.;  
362 revising provisions relating to undergraduate tuition and fees;  
363 authorizing a nonrefundable admissions deposit; creating  
364 1012.975, F.S.; defining the terms "cash-equivalent  
365 compensation," "public funds," and "remuneration"; limiting the  
366 annual remuneration of a state university president to \$225,000  
367 from public funds; providing certain limitations on benefits for  
368 state university presidents under the Florida Retirement System;  
369 authorizing a party to provide cash or cash-equivalent  
370 compensation in excess of annual limit from nonpublic funds;  
371 eliminating any state obligation to provide cash or cash-

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372 equivalent compensation for state university presidents under  
373 certain circumstances;  
374