

Bill No. HB 319, 1st Eng.

Amendment No. ____ Barcode 234806

CHAMBER ACTION

Senate

House

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Senator Constantine moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. 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 s. 119.07(3)(dd), the department may provide a state university, upon request, with that university's employee or vendor direct deposit authorization information on file with the department in order to accommodate the transition to the university accounting system. The state university shall

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1 maintain the confidentiality of all such information provided
2 by the department.

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

5 110.161 State employees; pretax benefits program.--

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

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

13 112.215 Government employees; deferred compensation
14 program.--

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

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

25 287.064 Consolidated financing of deferred-payment
26 purchases.--

27 (1) The Division of Bond Finance of the State Board of
28 Administration and the Comptroller shall plan and coordinate
29 deferred-payment purchases made by or on behalf of the state
30 or its agencies or by or on behalf of state universities or
31 state community colleges participating under this section

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1 pursuant to s. 1001.74(5) or s. 1001.64(26). The Division of
2 Bond Finance shall negotiate and the Comptroller shall execute
3 agreements and contracts to establish master equipment
4 financing agreements for consolidated financing of
5 deferred-payment, installment sale, or lease purchases with a
6 financial institution or a consortium of financial
7 institutions. As used in this act, the term "deferred-payment"
8 includes installment sale and lease-purchase.

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

12 (b) Repayment of the whole or a part of the funds
13 drawn pursuant to the master equipment financing agreement may
14 continue beyond the period established pursuant to paragraph

15 (a).

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

29 (2) Unless specifically exempted by the Comptroller,
30 all deferred-payment purchases, including those made by a
31 state university or community college that is participating

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1 under this section, shall be acquired by funding through
2 master equipment financing agreements. The Comptroller is
3 authorized to exempt any purchases from consolidated financing
4 when, in his or her judgment, alternative financing would be
5 cost-effective or otherwise beneficial to the state.

6 (3) The Comptroller may require agencies to enter into
7 interagency agreements and may require participating state
8 universities or community colleges to enter into systemwide
9 agreements for the purpose of carrying out the provisions of
10 this act.

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

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

21 (4) Each state university or community college may
22 choose to have its purchasing agreements involving
23 administrative and instructional materials consolidated under
24 this section.

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

29 (6) There is created the Consolidated Payment Trust
30 Fund in the Comptroller's office for the purpose of
31 implementing the provisions of this act. All funds debited

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1 from each agency, state university, and ~~each~~ community college
 2 may be deposited in the trust fund and shall be used to meet
 3 the financial obligations incurred pursuant to this act. Any
 4 income from the investment of funds may be used to fund
 5 administrative costs associated with this program.

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

8 440.38 Security for compensation; insurance carriers
 9 and self-insurers.--

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

17 Section 6. Section 1001.71, Florida Statutes, is
 18 amended to read:

19 1001.71 University boards of trustees; membership.--

20 (1) Pursuant to s. 7(c), Art. IX of the State
 21 Constitution, each local constituent state university shall be
 22 administered by a university board of trustees comprised of 13
 23 members as follows: six citizen members appointed by the
 24 Governor subject to confirmation by the Senate, five citizen
 25 members appointed by the Board of Governors subject to
 26 confirmation by the Senate, the chair of the faculty senate or
 27 the equivalent, and the president of the student body of the
 28 university. In order to achieve staggered terms, beginning
 29 July 1, 2003, of the initial appointments by the Governor, one
 30 member shall be appointed to serve a 3-year term, three
 31 members shall be appointed to serve 4-year terms, and two

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1 members shall be appointed to serve 5-year terms. Beginning
2 July 1, 2003, of the initial appointments of the Board of
3 Governors, one member shall be appointed to serve a 3-year
4 term, two members shall be appointed to serve 4-year terms,
5 and 2 members shall be appointed to serve 5-year terms.
6 ~~University boards of trustees shall be comprised of 12 members~~
7 ~~appointed by the Governor and confirmed by the Senate in the~~
8 ~~regular legislative session immediately following his or her~~
9 ~~appointment. In addition, the student body president elected~~
10 ~~on the main campus of the university pursuant to s. 1004.26~~
11 ~~shall serve ex officio as a voting member of his or her~~
12 ~~university board of trustees. There shall be no state~~
13 ~~residency requirement for university board members, but the~~
14 ~~Governor shall consider diversity and regional representation.~~
15 (2) Members of the boards of trustees shall receive no
16 compensation but may be reimbursed for travel and per diem
17 expenses as provided in s. 112.061.
18 (3) ~~The Governor may remove a trustee upon the~~
19 ~~recommendation of the State Board of Education, or for cause.~~
20 (4) ~~Boards of trustees' members shall be appointed for~~
21 ~~staggered 4-year terms, and may be reappointed for additional~~
22 ~~terms not to exceed 8 years of service.~~
23 (3)(5) Each board of trustees shall select its chair
24 and vice chair from the appointed members at its first regular
25 meeting after July 1. The chair shall serve for 2 years and
26 may be reselected for one additional consecutive term. The
27 duties of the chair shall include presiding at all meetings of
28 the board of trustees, calling special meetings of the board
29 of trustees, and attesting to actions of the board of
30 trustees, ~~and notifying the Governor in writing whenever a~~
31 ~~board member fails to attend three consecutive regular board~~

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1 ~~meetings in any fiscal year, which failure may be grounds for~~
2 ~~removal.~~ The duty of the vice chair is to act as chair during
3 the absence or disability of the chair.

4 (4)(6) The university president shall serve as
5 executive officer and corporate secretary of the board of
6 trustees and shall be responsible to the board of trustees for
7 all operations of the university and for setting the agenda
8 for meetings of the board of trustees in consultation with the
9 chair.

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

12 1001.74 Powers and duties of university boards of
13 trustees.--

14 (19) Each board of trustees shall establish the
15 personnel program for all employees of the university,
16 including the president, pursuant to the provisions of chapter
17 1012 and, in accordance with rules and guidelines of the State
18 Board of Education, including: compensation and other
19 conditions of employment, recruitment and selection,
20 nonreappointment, standards for performance and conduct,
21 evaluation, benefits and hours of work, leave policies,
22 recognition and awards, inventions and works, travel, learning
23 opportunities, exchange programs, academic freedom and
24 responsibility, promotion, assignment, demotion, transfer,
25 tenure and permanent status, ethical obligations and conflicts
26 of interest, restrictive covenants, disciplinary actions,
27 complaints, appeals and grievance procedures, and separation
28 and termination from employment. The Department of Management
29 Services shall retain authority over state university
30 employees for programs established in ss. 110.123, 110.161,
31 110.1232, 110.1234, and 110.1238 and in chapters 121, 122, and

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

4 1004.24 State Board of Education authorized to secure
5 liability insurance.--

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

16 Section 9. Subsections (1) and (5) of section 1004.26,
17 Florida Statutes, are amended to read:

18 1004.26 University student governments.--

19 (1) A student government is created on the main campus
20 of each state university. In addition, each university board
21 of trustees may establish a student government on any branch
22 campus or center. Each student government is a part of the
23 university at which it is established.

24 ~~(5) Each student government is a part of the~~
25 ~~university at which it is established. If an internal~~
26 ~~procedure of the university student government is disapproved~~
27 ~~by the university president under s. 229.0082(15), a member of~~
28 ~~the university board of trustees may request a review of the~~
29 ~~disapproved procedure at the next meeting of the board of~~
30 ~~trustees.~~

31 Section 10. Paragraph (f) is added to subsection (1),

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1 paragraphs (a) and (b) of subsection (2) are amended, and
2 paragraph (d) is added to subsection (2) of section 1009.21,
3 Florida Statutes, to read:

4 1009.21 Determination of resident status for tuition
5 purposes.--Students shall be classified as residents or
6 nonresidents for the purpose of assessing tuition in community
7 colleges and state universities.

8 (1) As used in this section:

9 (f) The term "initial enrollment" means the first day
10 of class.

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

12 1. A person or, if that person is a dependent child,
13 his or her parent or parents must have established legal
14 residence in this state and must have maintained legal
15 residence in this state for at least 12 months immediately
16 prior to his or her initial enrollment at an institution of
17 higher education qualification.

18 2. Every applicant for admission to an institution of
19 higher education shall be required to make a statement as to
20 his or her length of residence in the state and, further,
21 shall establish that his or her presence or, if the applicant
22 is a dependent child, the presence of his or her parent or
23 parents in the state currently is, and during the requisite
24 12-month qualifying period was, for the purpose of maintaining
25 a bona fide domicile, rather than for the purpose of
26 maintaining a mere temporary residence or abode incident to
27 enrollment in an institution of higher education.

28 (b) However, with respect to a dependent child living
29 with an adult relative other than the child's parent, such
30 child may qualify as a resident for tuition purposes if the
31 adult relative is a legal resident who has maintained legal

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1 residence in this state for at least 12 months immediately
2 prior to the child's initial enrollment at an institution of
3 higher learning qualification, provided the child has resided
4 continuously with such relative for the 5 years immediately
5 prior to the child's initial enrollment at an institution of
6 higher learning qualification, during which time the adult
7 relative has exercised day-to-day care, supervision, and
8 control of the child.

9 (d) An individual who is classified as a nonresident
10 for tuition purposes may become eligible for reclassification
11 as a resident for tuition purposes if that individual or, if
12 that individual is a dependent child, his or her parents,
13 presents documentation that supports permanent residency in
14 this state, such as documentation of permanent full-time
15 employment for the previous 12 months or the purchase of a
16 home in this state and residence in the state for the prior 12
17 months.

18 Section 11. Board of Governors.--

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

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

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

7 Section 12. Subsection (12) of section 1009.24,
8 Florida Statutes, is amended to read:

9 1009.24 State university student fees.--

10 (12) Each university board of trustees is authorized
11 to establish the following fees:

12 (a) A nonrefundable application fee in an amount not
13 to exceed \$30.

14 (b) A nonrefundable admissions deposit for
15 undergraduate and graduate degree programs in an amount not to
16 exceed \$200. The admissions deposit shall be imposed at the
17 time of a student's acceptance to the university and shall be
18 applied to the student's tuition upon enrollment. In the event
19 that a student does not enroll in the university, the
20 admissions deposit shall be deposited in an auxiliary account
21 of the university and used to expand financial aid,
22 scholarships, financial assistance, and student academic and
23 career counseling services at the university.

24 ~~(c)~~(b) An orientation fee in an amount not to exceed
25 \$35.

26 ~~(d)~~(c) A fee for security, access, or identification
27 cards. The annual fee for such a card may not exceed \$10 per
28 card. The maximum amount charged for a replacement card may
29 not exceed \$15.

30 ~~(e)~~(d) Registration fees for audit and zero-hours
31 registration; a service charge, which may not exceed \$15, for

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1 the payment of tuition in installments; and a
2 late-registration fee in an amount not less than \$50 nor more
3 than \$100 to be imposed on students who fail to initiate
4 registration during the regular registration period.

5 ~~(f)(e)~~ A late-payment fee in an amount not less than
6 \$50 nor more than \$100 to be imposed on students who fail to
7 pay or fail to make appropriate arrangements to pay (by means
8 of installment payment, deferment, or third-party billing)
9 tuition by the deadline set by each university. Each
10 university may adopt specific procedures or policies for
11 waiving the late-payment fee for minor underpayments.

12 ~~(g)(f)~~ A fee for miscellaneous health-related charges
13 for services provided at cost by the university health center
14 which are not covered by the health fee set under subsection
15 (10).

16 ~~(h)(g)~~ Materials and supplies fees to offset the cost
17 of materials or supplies that are consumed in the course of
18 the student's instructional activities, excluding the cost of
19 equipment replacement, repairs, and maintenance.

20 ~~(i)(h)~~ Housing rental rates and miscellaneous housing
21 charges for services provided by the university at the request
22 of the student.

23 ~~(j)(i)~~ A charge representing the reasonable cost of
24 efforts to collect payment of overdue accounts.

25 ~~(k)(j)~~ A service charge on university loans in lieu of
26 interest and administrative handling charges.

27 ~~(l)(k)~~ A fee for off-campus course offerings when the
28 location results in specific, identifiable increased costs to
29 the university.

30 ~~(m)(l)~~ Library fees and fines, including charges for
31 damaged and lost library materials, overdue reserve library

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1 books, interlibrary loans, and literature searches.

2 ~~(n)(m)~~ Fees relating to duplicating, photocopying,
3 binding, and microfilming; copyright services; and
4 standardized testing. These fees may be charged only to those
5 who receive the services.

6 ~~(o)(n)~~ Fees and fines relating to the use, late
7 return, and loss and damage of facilities and equipment.

8 ~~(p)(o)~~ A returned-check fee as authorized by s.
9 832.07(1) for unpaid checks returned to the university.

10 ~~(q)(p)~~ Traffic and parking fines, charges for parking
11 decals, and transportation access fees.

12 ~~(r)(q)~~ An Educational Research Center for Child
13 Development fee for child care and services offered by the
14 center.

15 ~~(s)(r)~~ Fees for transcripts and diploma replacement,
16 not to exceed \$10 per item.

17 Section 13. Effective upon this act becoming a law and
18 applicable retroactive to January 7, 2003, section 1010.10,
19 Florida Statutes, is created to read:

20 1010.10 Florida Uniform Management of Institutional
21 Funds Act.--

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

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

25 (a) "Endowment fund" means an institutional fund, or
26 any part thereof, not wholly expendable by the institution on
27 a current basis under the terms of the applicable gift
28 instrument.

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

31 (c) "Institution" means an incorporated or

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1 unincorporated organization organized and operated exclusively
2 for the advancement of educational purposes, or a governmental
3 entity to the extent that it holds funds exclusively for
4 educational purposes.

5 (d) "Institutional fund" means a fund held by an
6 institution for its exclusive use, benefit, or purposes. The
7 term excludes a fund held for an institution by a trustee that
8 is not an institution. The term also excludes a fund in which
9 a beneficiary that is not an institution has an interest,
10 other than possible rights that could arise upon violation or
11 failure of the purposes of the fund.

12 (e) "Instrument" means a will; deed; grant;
13 conveyance; agreement; memorandum; electronic record; writing;
14 or other governing document, including the terms of any
15 institutional solicitations from which an institutional fund
16 resulted, under which property is transferred to or held by an
17 institution as an institutional fund.

18 (3) EXPENDITURE OF ENDOWMENT FUNDS.--

19 (a) A governing board may expend so much of an
20 endowment fund as the governing board determines to be prudent
21 for the uses and purposes for which the endowment fund is
22 established, consistent with the goal of conserving the
23 purchasing power of the endowment fund. In making its
24 determination the governing board shall use reasonable care,
25 skill, and caution in considering the following:

- 26 1. The purposes of the institution;
- 27 2. The intent of the donors of the endowment fund;
- 28 3. The terms of the applicable instrument;
- 29 4. The long-term and short-term needs of the
30 institution in carrying out its purposes;
- 31 5. The general economic conditions;

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- 1 6. The possible effect of inflation or deflation;
- 2 7. The other resources of the institution; and
- 3 8. Perpetuation of the endowment.

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5 Expenditures made under this paragraph will be considered
6 prudent if the amount expended is consistent with the goal of
7 preserving the purchasing power of the endowment fund.

8 (b) A restriction upon the expenditure of an endowment
9 fund may not be implied from a designation of a gift as an
10 endowment or from a direction or authorization in the
11 instrument to use only "income," "interest," "dividends," or
12 "rents, issues or profits," or "to preserve the principal
13 intact," or words of similar import.

14 (c) The provisions of paragraph (a) shall not apply to
15 instruments if the instrument so indicates by stating, "I
16 direct that the expenditure provision of paragraph (a) of
17 subsection (3) of the Florida Uniform Management of
18 Institutional Funds Act not apply to this gift" or words of
19 similar import.

20 (d) This subsection does not limit the authority of a
21 governing board to expend funds as permitted under other law,
22 the terms of the instrument, or the charter of the
23 institution.

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

27 (4) STANDARD OF CONDUCT.--

28 (a) Members of a governing board shall invest and
29 manage an institutional fund as a prudent investor would, by
30 considering the purposes, distribution requirements, and other
31 circumstances of the fund. In satisfying this standard, the

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1 governing board shall exercise reasonable care, skill, and
2 caution.

3 (b) A governing board's investment and management
4 decisions about individual assets shall be made not in
5 isolation but in the context of the institutional fund's
6 portfolio of investments as a whole and as a part of an
7 overall investment strategy that provides risk and return
8 objectives reasonably suited to the fund and to the
9 institution.

10 (c) Among circumstances that a governing board shall
11 consider are:

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

14 2. Its present and anticipated financial resources;

15 3. General economic conditions;

16 4. The possible effect of inflation or deflation;

17 5. The expected tax consequences, if any, of

18 investment decisions or strategies;

19 6. The role that each investment or course of action

20 plays within the overall investment portfolio of the

21 institutional fund;

22 7. The expected total return from income and the

23 appreciation of its investments;

24 8. Other resources of the institution;

25 9. The needs of the institution and the institutional

26 fund for liquidity, regularity of income, and preservation or

27 appreciation of capital; and

28 10. An asset's special relationship or special value,

29 if any, to the purposes of the applicable gift instrument or

30 to the institution.

31 (d) A governing board shall make a reasonable effort

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1 to verify the facts relevant to the investment and management
2 of institutional fund assets.

3 (e) A governing board shall diversify the investments
4 of an institutional fund unless the board reasonably
5 determines that, because of special circumstances, the
6 purposes of the fund are better served without diversifying.

7 (f) A governing board shall invest and manage the
8 assets of an institutional fund solely in the interest of the
9 institution.

10 (5) INVESTMENT AUTHORITY.--In addition to an
11 investment otherwise authorized by law or by the applicable
12 gift instrument, and without restriction to investments a
13 fiduciary may make, the governing board, subject to any
14 specific limitations in the applicable gift instrument or in
15 the applicable law, other than law relating to investments by
16 a fiduciary:

17 (a) Within a reasonable time after receiving property,
18 shall review the property and make and implement decisions
19 concerning the retention and disposition of the assets, in
20 order to bring the portfolio of the institutional fund into
21 compliance with the purposes, terms, distribution
22 requirements, and other circumstances of the institution, and
23 with the requirements of this section;

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

26 (c) May include all or any part of an institutional
27 fund in any pooled or common fund maintained by the
28 institution; and

29 (d) May invest all or any part of the institutional
30 fund in any other pooled or common fund available for
31 investment, including shares or interests in regulated

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1 investment companies, mutual funds, common trust funds,
 2 investment partnerships, real estate investment trusts, or
 3 similar organizations in which funds are commingled and
 4 investment determinations are made by persons other than the
 5 governing board.

6 (6) DELEGATION OF INVESTMENT MANAGEMENT.--

7 (a) Except as otherwise provided by applicable law
 8 relating to governmental institutions or funds, a governing
 9 board may delegate investment and management functions that a
 10 prudent governing body could properly delegate under the
 11 circumstances. A governing board shall exercise reasonable
 12 care, skill, and caution in:

13 1. Selecting an agent;

14 2. Establishing the scope and terms of the delegation,
 15 consistent with the purposes of the institutional fund; and
 16 3. Periodically reviewing the agent's actions to
 17 monitor the agent's performance and the agent's compliance
 18 with the terms of the delegation.

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

22 (c) The members of a governing board who comply with
 23 the requirements of paragraph (a) are not liable for the
 24 decisions or actions of the agent to whom the function was
 25 delegated.

26 (d) By accepting the delegation of an investment or
 27 management function from a governing board of an institution
 28 that is subject to the laws of this state, an agent submits to
 29 the jurisdiction of the courts of this state in all actions
 30 arising from the delegation.

31 (7) INVESTMENT COSTS.--In investing and managing trust

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1 assets, a governing board may only incur costs that are
2 appropriate and reasonable in relation to the assets and the
3 purposes of the institution.

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

5 (a) With the written consent of the donor, a governing
6 board may release, in whole or in part, a restriction imposed
7 by the applicable instrument on the use or investment of an
8 institutional fund.

9 (b) If written consent of the donor cannot be obtained
10 by reason of the donor's death, disability, unavailability, or
11 impossibility of identification, a governing board may
12 release, in whole or in part, a restriction imposed by the
13 applicable instrument on the use or investment of an
14 institutional fund if the fund has a total value of less than
15 \$100,000 and if the governing board, in its fiduciary
16 judgment, concludes that the value of the fund is insufficient
17 to justify the cost of administration as a separate
18 institutional fund.

19 (c) If written consent of the donor cannot be obtained
20 by reason of the donor's death, disability, unavailability, or
21 impossibility of identification, a governing board may apply
22 in the name of the institution to the circuit court of the
23 county in which the institution is located for release of a
24 restriction imposed by the applicable instrument on the use or
25 investment of an institutional fund. The Attorney General
26 shall be notified of the application and shall be given an
27 opportunity to be heard. If the court finds that the
28 restriction is unlawful, impracticable, impossible to achieve,
29 or wasteful, it may by order release the restriction in whole
30 or in part. A release under this subsection may not change an
31 endowment fund to a fund that is not an endowment fund.

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

4 (e) This subsection does not limit the application of
5 the doctrine of cy pres.

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

10 Section 14. Section 1011.94, Florida Statutes, is
11 amended to read:

12 1011.94 Trust Fund for University Major Gifts.--

13 (1) There is established a Trust Fund for University
14 Major Gifts. The purpose of the trust fund is to enable each
15 university and New College to provide donors with an incentive
16 in the form of matching grants for donations for the
17 establishment of permanent endowments and sales tax exemption
18 matching funds received pursuant to s. 212.08(5)(j), which
19 must be invested, with the proceeds of the investment used to
20 support university priorities as established by the university
21 board of trustees libraries and instruction and research
22 programs, as defined by the State Board of Education. All
23 funds appropriated for the challenge grants, new donors, major
24 gifts, sales tax exemption matching funds pursuant to s.
25 212.08(5)(j), or eminent scholars program must be deposited
26 into the trust fund and invested pursuant to s. 18.125 until
27 the Board of Governors State Board of Education allocates the
28 funds to universities to match private donations.
29 Notwithstanding s. 216.301 and pursuant to s. 216.351, any
30 undisbursed balance remaining in the trust fund and interest
31 income accruing to the portion of the trust fund which is not

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1 matched and distributed to universities must remain in the
 2 trust fund and be used to increase the total funds available
 3 for challenge grants. Funds deposited in the trust fund for
 4 the sales tax exemption matching program authorized in s.
 5 212.08(5)(j), and interest earnings thereon, shall be
 6 maintained in a separate account within the Trust Fund for
 7 University Major Gifts, and may be used only to match
 8 qualified sales tax exemptions that a certified business
 9 designates for use by state universities and community
 10 colleges to support research and development projects
 11 requested by the certified business. The Board of Governors
 12 ~~State Board of Education~~ may authorize any university to
 13 encumber the state matching portion of a challenge grant from
 14 funds available under s. 1011.45.

15 (2) The Board of Governors ~~State Board of Education~~
 16 shall specify the process for submission, documentation, and
 17 approval of requests for matching funds, accountability for
 18 endowments and proceeds of endowments, allocations to
 19 universities, restrictions on the use of the proceeds from
 20 endowments, and criteria used in determining the value of
 21 donations.

22 (3)(a) The Board of Governors ~~State Board of Education~~
 23 shall allocate the amount appropriated to the trust fund to
 24 each university and New College based on the amount of the
 25 donation and the restrictions applied to the donation.

26 (b) Donations for a specific purpose must be matched
 27 in the following manner:

28 1. Each university that raises at least \$100,000 but
 29 no more than \$599,999 from a private source must receive a
 30 matching grant equal to 50 percent of the private
 31 contribution.

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1 2. Each university that raises a contribution of at
2 least \$600,000 but no more than \$1 million from a private
3 source must receive a matching grant equal to 70 percent of
4 the private contribution.

5 3. Each university that raises a contribution in
6 excess of \$1 million but no more than \$1.5 million from a
7 private source must receive a matching grant equal to 75
8 percent of the private contribution.

9 4. Each university that raises a contribution in
10 excess of \$1.5 million but no more than \$2 million from a
11 private source must receive a matching grant equal to 80
12 percent of the private contribution.

13 5. Each university that raises a contribution in
14 excess of \$2 million from a private source must receive a
15 matching grant equal to 100 percent of the private
16 contribution.

17 6. The amount of matching funds used to match a single
18 gift in any given year shall be limited to \$3 million. The
19 total amount of matching funds available for any single gift
20 shall be limited to \$15 million, to be distributed in equal
21 amounts of \$3 million per year over a period of 5 years.

22 (c) The Board of Governors ~~State Board of Education~~
23 shall encumber state matching funds for any pledged
24 contributions, pro rata, based on the requirements for state
25 matching funds as specified for the particular challenge grant
26 and the amount of the private donations actually received by
27 the university for the respective challenge grant.

28 (4) Matching funds may be provided for contributions
29 encumbered or pledged under the Eminent Scholars Act prior to
30 July 1, 1994, and for donations or pledges of any amount equal
31 to or in excess of the prescribed minimums which are pledged

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1 for the purpose of this section.

2 (5)(a) Each university foundation and New College
3 Foundation shall establish a challenge grant account for each
4 challenge grant as a depository for private contributions and
5 state matching funds to be administered on behalf of the Board
6 of Governors ~~State Board of Education~~, the university, or New
7 College. State matching funds must be transferred to a
8 university foundation or New College Foundation upon
9 notification that the university or New College has received
10 and deposited the amount specified in this section in a
11 foundation challenge grant account.

12 (b) The foundation serving a university and New
13 College Foundation each has the responsibility for the
14 maintenance and investment of its challenge grant account and
15 for the administration of the program on behalf of the
16 university or New College, pursuant to procedures specified by
17 the Board of Governors ~~State Board of Education~~. Each
18 foundation shall include in its annual report to the Board of
19 Governors ~~State Board of Education~~ information concerning
20 collection and investment of matching gifts and donations and
21 investment of the account.

22 (c) A donation of at least \$600,000 and associated
23 state matching funds may be used to designate an Eminent
24 Scholar Endowed Chair pursuant to procedures specified by the
25 Board of Governors ~~State Board of Education~~.

26 (6) The donations, state matching funds, or proceeds
27 from endowments established under this section may not be
28 expended for the construction, renovation, or maintenance of
29 facilities or for the support of intercollegiate athletics.

30 Section 15. Section 1004.383, Florida Statutes, is
31 created to read:

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1 1004.383 Chiropractic medicine degree program at the
2 Florida State University.--A chiropractic medicine degree
3 program is authorized at Florida State University.

4 Section 16. Section 460.4062, Florida Statutes, is
5 created to read:

6 460.4062 Chiropractic medicine faculty certificate.--

7 (1) The Department of Health may issue a chiropractic
8 medicine faculty certificate without examination to an
9 individual who remits a nonrefundable application fee, not to
10 exceed \$100 as determined by rule of the Board of Chiropractic
11 Medicine, and who demonstrates to the Board of Chiropractic
12 Medicine that he or she meets the following requirements:

13 (a) Is a graduate of an accredited school or college
14 of chiropractic accredited by the Council on Chiropractic
15 Education.

16 (b) Holds a valid current license to practice
17 chiropractic in another jurisdiction in the United States.

18 (c) Is at least 21 years of age and of good moral
19 character.

20 (d) Has not committed any act or offense in any
21 jurisdiction which would constitute the basis for discipline
22 under chapter 456 or chapter 460.

23 (e) Has been offered and has accepted a full-time
24 faculty appointment to teach in a program of chiropractic
25 medicine at a state university.

26 (f) Provides a certification from the dean of the
27 college that he or she has accepted the offer of a full-time
28 faculty appointment to teach at Florida State University.

29 (2) The certificate shall authorize the holder to
30 practice only in conjunction with his or her faculty position
31 at Florida State University and its affiliated clinics that

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1 are registered with the Board of Chiropractic Medicine as
2 sites at which holders of chiropractic medicine faculty
3 certificates will be practicing. Such certificates shall
4 automatically expire upon termination of the holder's
5 relationship with the school or after a period of 2 years,
6 whichever occurs first.

7 (3) The holder of a faculty certificate may engage in
8 the practice of chiropractic medicine as permitted by this
9 section.

10 (4) Notwithstanding subsection (2), a chiropractic
11 medicine faculty certificate is renewable every 2 years by a
12 holder who applies to the Board of Chiropractic Medicine on a
13 form prescribed by the Board of Chiropractic Medicine and who
14 continues to satisfy the requirements set forth in subsection
15 (1).

16 Section 17. Beginning in 2005 and annually thereafter,
17 the University of South Florida shall play the University of
18 Central Florida in college football. The game shall take place
19 at the home venue or stadium of either the University of South
20 Florida or the University of Central Florida in 2005 with the
21 home site of the game alternating between the schools annually
22 thereafter.

23 Section 18. Section 1001.71(1),(3), and (4), Florida
24 Statutes, as created by section 83, chapter 2002-387, Laws of
25 Florida, and as amended by section 2, chapter 2002-188, Laws
26 of Florida, is repealed.

27 Section 19. Remuneration of state university
28 presidents; limitations.--

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

30 (a) "Public funds" means funds appropriated from the
31 General Revenue Fund, funds appropriated from state trust

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

3 (b) "Remuneration" means salary, bonuses, and
4 cash-equivalent compensation paid to a state university
5 president by his or her employer for work performed, excluding
6 health insurance benefits and retirement benefits.

7 (c) "Cash-equivalent compensation" means any benefit
8 that may be assigned an equivalent cash value.

9 (2) LIMITATIONS ON COMPENSATION.--Notwithstanding any
10 other law, resolution, or rule to the contrary, a state
11 university president may not receive more than \$225,000 in
12 remuneration annually from public funds. Only compensation, as
13 such term is defined in section 121.02(22), Florida Statutes,
14 provided to a state university president may be used in
15 calculating benefits under chapter 121, Florida Statutes.

16 (3) EXCEPTIONS.--This section does not prohibit any
17 party from providing cash or cash-equivalent compensation from
18 funds that are not public funds to a state university
19 president in excess of the limit in subsection (2). If a party
20 is unable or unwilling to fulfill an obligation to provide
21 cash or cash-equivalent compensation to a state university
22 president as permitted under this subsection, public funds may
23 not be used to fulfill such obligation.

24 (4) APPLICATION.--This section applies only to
25 contracts or contract extensions that are executed or have an
26 effective date on or after the effective date of this section.

27 Section 20. Except as otherwise expressly provided in
28 this act, this act shall take effect upon becoming a law
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31

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

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

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1 1004.26, F.S.; conforming university oversight
2 of student government; amending s. 1009.21,
3 F.S.; revising criteria to establish residency
4 for tuition purposes; revising criteria for
5 reclassification of residency for tuition
6 purposes; establishing the Board of Governors;
7 providing membership and terms of office;
8 providing for members to be reimbursed for
9 travel and per diem expenses; amending s.
10 1009.24, F.S.; authorizing a nonrefundable
11 admissions deposit; creating s. 1010.10, F.S.;
12 creating the Florida Uniform Management of
13 Institutional Funds Act; providing definitions;
14 providing for expenditure of endowment funds by
15 a governing board; providing for a standard of
16 conduct; providing investment authority;
17 providing for delegation of investment
18 management; providing for investment costs;
19 providing for uniformity of application and
20 construction; amending s. 1011.94, F.S.;
21 relating to the Trust Fund for University Major
22 Gifts; revising provisions relating to use of
23 proceeds; replacing references to State Board
24 of Education with Board of Governors; providing
25 limitations on matching funds; creating s.
26 1004.383, F.S.; authorizing a chiropractic
27 medicine degree program at Florida State
28 University; creating s. 460.4062, F.S.;
29 authorizing the Department of Health to issue a
30 chiropractic medicine faculty certificate for a
31 certain chiropractic faculty; authorizing a

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1 fee; providing requirements; providing for
2 renewal and expiration of certificates;
3 requiring the University of South Florida and
4 the University of Central Florida to play
5 college football; repealing s. 1001.71(1), (3),
6 and (4), relating to a state university board
7 of trustees; defining the terms "public funds,"
8 "remuneration," and "cash equivalent
9 compensation"; limiting the annual remuneration
10 of a state university president to \$225,000
11 from public funds; providing certain
12 limitations on benefits for state university
13 presidents under the Florida Retirement System;
14 authorizing a party to provide cash or
15 cash-equivalent compensation in excess of
16 annual limit from nonpublic funds; eliminating
17 any state obligation to provide cash or
18 cash-equivalent compensation for state
19 university presidents under certain
20 circumstances; providing for prospective
21 application; providing an effective date

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