

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Mealor offered the following:

Substitute Amendment for Amendment (084079) (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 Section 18. Section 1004.383, Florida Statutes, is created
335 to read:

336 1004.383 Chiropractic medicine degree program at Florida
337 State University.--A chiropractic medicine degree program is
338 authorized at Florida State University.

339 Section 19. Section 460.4062, Florida Statutes, is created
340 to read:

341 460.4062 Chiropractic medicine faculty certificate.--

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

348 (a) Is a graduate of an accredited school or college of
349 chiropractic medicine accredited by the Council on Chiropractic
350 Education.

351 (b) Holds a valid current license to practice chiropractic
352 medicine in another jurisdiction in the United States.

353 (c) Is at least 21 years of age and of good moral
354 character.

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

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

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

364 (2) The certificate shall authorize the holder to practice
365 only in conjunction with his or her faculty position at Florida
366 State University and its affiliated clinics that are registered
367 with the Board of Chiropractic Medicine as sites at which
368 holders of chiropractic medicine faculty certificates will be
369 practicing. Such certificates shall automatically expire upon

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370 termination of the holder's relationship with the school or
371 after a period of 2 years, whichever occurs first.

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

374 (4) Notwithstanding the provisions of subsection (2), a
375 chiropractic medicine faculty certificate is renewable every 2
376 years by a holder who applies to the Board of Chiropractic
377 Medicine on a form prescribed by the Board of Chiropractic
378 Medicine and who continues to satisfy the requirements set forth
379 in subsection (1).

380

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

382 Between line(s) 28 and 29, insert:

383 amending s. 17.076, F.S.; providing an exception to a public
384 records exemption; amending s. 20.555, F.S.; deleting reference
385 to the Board of Regents; amending s. 110.161, F.S.; including
386 employees of state universities in the definition of "employee"
387 for purposes of the pretax benefits program; amending s.
388 112.215, F.S.; including employees of state university boards of
389 trustees in the definition of "employee" for purposes of the
390 deferred compensation program; amending s. 287.064, F.S.;
391 authorizing state universities to continue to participate in the
392 consolidated equipment financing program; amending s. 440.38,
393 F.S.; including state universities as self-insurers for purposes
394 of workers' compensation; amending s. 1001.74, F.S.; adding a
395 cross reference relating to pretax benefits for state university
396 employees; amending s. 1004.24, F.S.; deleting obsolete
397 reference to postaudit of financial accounts; providing for
398 financial audit pursuant to s. 11.45, F.S.; amending s. 1004.26,

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399 F.S.; conforming university oversight of student government;
400 amending s. 1004.445, F.S.; deleting obsolete reference to
401 postaudit of financial accounts; providing for financial audit
402 pursuant to s. 11.45, F.S.; amending s. 1009.21, F.S.; revising
403 provisions relating to determination of resident status for
404 tuition purposes; providing for reclassification; providing for
405 classification of certain graduate teaching assistants or
406 graduate research assistants; amending s. 1009.24, F.S.;
407 revising provisions relating to undergraduate tuition and fees;
408 authorizing a nonrefundable admissions deposit; creating
409 1012.975, F.S.; defining the terms "cash-equivalent
410 compensation," "public funds," and "remuneration"; limiting the
411 annual remuneration of a state university president to \$225,000
412 from public funds; providing certain limitations on benefits for
413 state university presidents under the Florida Retirement System;
414 authorizing a party to provide cash or cash-equivalent
415 compensation in excess of annual limit from nonpublic funds;
416 eliminating any state obligation to provide cash or cash-
417 equivalent compensation for state university presidents under
418 certain circumstances; creating s. 1004.383, F.S.; authorizing a
419 chiropractic medicine degree program at Florida State
420 University; creating s. 460.4062, F.S.; authorizing the
421 Department of Health to issue a chiropractic medicine faculty
422 certificate to certain chiropractic medicine faculty;
423 authorizing a fee; providing requirements; providing for renewal
424 and expiration of certificates;

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