

1 A bill to be entitled
2 An act relating to state universities; amending
3 s. 1004.55, F.S.; relocating regional autism
4 centers for certain counties; amending s.
5 1009.531, F.S.; revising eligibility criteria
6 for the Florida Bright Futures Scholarship
7 Program; creating s. 1011.901, F.S.; awarding
8 incentive funds to state universities;
9 requiring the Board of Governors to allocate
10 incentive awards to university boards of
11 trustees; requiring targeting of critical
12 occupations and discipline areas; requiring an
13 annual report to the Governor and the
14 Legislature; amending s. 1009.24, F.S.;
15 requiring university boards of trustees to
16 provide students with a billing statement that
17 reflects the true cost of the student's
18 education; requiring university boards of
19 trustees to develop proposals for block tuition
20 and fee policies and to charge certain students
21 the full cost of education per credit hour;
22 providing certain exceptions; requiring
23 legislative authorization to implement
24 policies; amending s. 1011.94, F.S.; amending
25 the Trust Fund for University Major Gifts;
26 giving authority to the Board of Governors;
27 revising provisions regarding matches for
28 donations; deleting references to New College;
29 designating the Student Union Building at the
30 University of North Florida as the "James E.
31 "Jim" and Linda King, Jr., Student Union

1 Building"; designating the proposed entrance
2 pavilion at the John and Mabel Ringling Museum
3 of Art at the Florida State University Ringling
4 Center for Cultural Arts as the "John M. McKay
5 Visitors' Pavilion"; authorizing the erection
6 of suitable markers; creating the
7 Florida-Scripps Research Compact; providing an
8 appropriation; creating s. 1004.451, F.S.;
9 creating the Florida State University Center
10 for the Performing Arts direct-support
11 organization; amending s. 121.35, F.S.;
12 authorizing state universities to assume
13 certain responsibilities regarding the optional
14 retirement program; amending s. 121.122, F.S.;
15 authorizing participation by renewed members in
16 specified optional programs; amending s.
17 1001.74, F.S., to conform; providing an
18 effective date.

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

21
22 Section 1. Subsections (1) and (3) of section 1004.55,
23 Florida Statutes, are amended to read:

24 1004.55 Regional autism centers.--

25 (1) Seven ~~Six~~ regional autism centers are established
26 to provide nonresidential resource and training services for
27 persons of all ages and of all levels of intellectual
28 functioning who have autism, as defined in s. 393.063; who
29 have a pervasive developmental disorder that is not otherwise
30 specified; who have an autistic-like disability; who have a
31 dual sensory impairment; or who have a sensory impairment with

1 other handicapping conditions. Each center shall be
 2 operationally and fiscally independent and shall provide
 3 services within its geographical region of the state. Each
 4 center shall coordinate services within and between state and
 5 local agencies and school districts but may not duplicate
 6 services provided by those agencies or school districts. The
 7 respective locations and service areas of the centers are:

8 (a) The Department of Communication Disorders at
 9 Florida State University, which serves Bay, Calhoun, Escambia,
 10 Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon,
 11 Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla,
 12 Walton, and Washington Counties.

13 (b) The College of Medicine at the University of
 14 Florida, which serves Alachua, Bradford, Citrus, Columbia,
 15 Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Levy, Marion,
 16 Putnam, Suwannee, and Union Counties.

17 (c) The University of Florida Health Science Center at
 18 Jacksonville, which serves Baker, Clay, Duval, Flagler,
 19 Nassau, and St. Johns Counties.

20 (d) The Louis de la Parte Florida Mental Health
 21 Institute at the University of South Florida, which serves
 22 Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands,
 23 Hillsborough, ~~Indian River~~, Lee, Manatee, ~~Martin~~, ~~Okeechobee~~,
 24 Pasco, Pinellas, Polk, ~~St. Lucie~~, and Sarasota Counties.

25 (e) The Mailman Center for Child Development at the
 26 University of Miami, which serves Broward, Dade and Monroe~~7~~,
 27 ~~and Palm Beach~~ Counties.

28 (f) The College of Health and Public Affairs at the
 29 University of Central Florida, which serves Brevard, Lake,
 30 Orange, Osceola, Seminole, Sumter, and Volusia Counties.
 31

1 (g) The Department of Exceptional Student Education at
 2 Florida Atlantic University, which serves Palm Beach, Martin,
 3 St. Lucie, Okeechobee, and Indian River Counties.

4 (3) To promote statewide planning and coordination, a
 5 conference must be held annually for staff from each of the
 6 seven ~~five~~ centers and representatives from each center's
 7 constituency board. The purpose of the conference is to
 8 facilitate coordination, networking, cross-training, and
 9 feedback among the staffs and constituency boards of the
 10 centers.

11 Section 2. Paragraph (b) of subsection (1) of section
 12 1009.531, Florida Statutes, is amended to read:

13 1009.531 Florida Bright Futures Scholarship Program;
 14 student eligibility requirements for initial awards.--

15 (1) To be eligible for an initial award from any of
 16 the three types of scholarships under the Florida Bright
 17 Futures Scholarship Program, a student must:

18 (b) Earn a standard Florida high school diploma or its
 19 equivalent as described in s. 1003.429, s. 1003.43, or s.
 20 1003.435 unless:

21 1. The student ~~is enrolled full time in the early~~
 22 ~~admission program of an eligible postsecondary education~~
 23 ~~institution or~~ completes a home education program according to
 24 s. 1002.41; or

25 2. The student earns a high school diploma from a
 26 non-Florida school while living with a parent or guardian who
 27 is on military or public service assignment away from Florida.

28 Section 3. Section 1011.901, Florida Statutes, is
 29 created to read:

30 1011.901 Incentive funding for targeted degree
 31 production at state universities.--

1 (1) INCENTIVE FUNDING FOR INCREASED DEGREE PRODUCTION
2 IN CRITICAL AREAS.--Subject to legislative appropriation, the
3 Board of Governors shall annually allocate an amount specified
4 in the General Appropriations Act as incentive awards to
5 individual university boards of trustees for establishing
6 programs, policies, and procedures that lead to increased
7 degree production in academic discipline areas deemed critical
8 to future job growth needs of this state.

9 (2) TARGETED CRITICAL AREAS DURING THE 2004-2005
10 FISCAL YEAR.--The targeted academic discipline areas deemed
11 critical to future job growth needs of this state for the
12 2004-2005 fiscal year shall be:

13 (a) Teaching;

14 (b) Nursing;

15 (c) Engineering; and

16 (d) Information Technology.

17 (3) ALLOCATION OF INCENTIVE AWARDS FOR THE 2004-2005
18 FISCAL YEAR.--

19 (a) By July 15, 2004, the Board of Governors, in
20 conjunction with the individual university boards of trustees,
21 shall identify the specific academic disciplines and the
22 appropriate upper-level and graduate-level academic courses
23 that articulate to the targeted career areas identified in
24 subsection (2).

25 (b) Prior to allocating any appropriated incentive
26 awards, the Board of Governors shall establish a base from the
27 2003-2004 full-time equivalent student enrollments in the
28 upper-level and graduate-level academic courses identified
29 pursuant to this subsection and taken by students who are
30 officially seeking an undergraduate or graduate degree in the
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1 targeted academic disciplines identified pursuant to this
2 subsection.

3 (c) By August 15, 2004, the Board of Governors shall
4 develop a methodology for allocating any appropriated
5 incentive awards for the 2004-2005 fiscal year based on a
6 prorated share of the actual number of full-time equivalent
7 student enrollment growth above the base year. Any
8 appropriated funds for incentives which are not awarded by the
9 end of the fiscal year shall revert to the General Revenue
10 Fund unallocated.

11 (4) TARGETED CRITICAL AREAS DURING THE 2005-2006
12 FISCAL YEAR AND THEREAFTER.--

13 (a) By October 1, 2004, the Board of Governors, in
14 consultation with the Agency for Workforce Innovation,
15 Workforce Florida, Inc., and Enterprise Florida, Inc., shall
16 develop a multiyear forecasting mechanism for identifying
17 occupations in areas that may require an increase in
18 undergraduate and graduate degree production. By October 1 of
19 each year, such forecasting shall identify occupations with
20 the largest unmet growth rates as well as the highest wage
21 potential for subsequent years.

22 (b) By November 1, 2004, the Board of Governors shall
23 develop a methodology for allocating any appropriated
24 incentive awards, beginning with the 2005-2006 fiscal year,
25 based on increasing undergraduate and graduate degree
26 production in academic disciplines linked to occupations
27 identified by the forecast specified in paragraph (a). Any
28 appropriated funds for incentives which are not awarded by the
29 end of the fiscal year shall revert to the General Revenue
30 Fund unallocated.

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1 (5) ANNUAL REPORT.--By December 1 of each year, the
2 Board of Governors shall submit a report to the Governor, the
3 President of the Senate, and the Speaker of the House of
4 Representatives which details the implementation of this
5 section, including any university successes or barriers to
6 such implementation.

7 Section 4. Subsections (15), (16), (17), and (18) are
8 added to section 1009.24, Florida Statutes, to read:

9 1009.24 State university student fees.--

10 (15) Each university board of trustees shall provide
11 every student who is charged tuition and fees with a billing
12 statement at the beginning of each semester which clearly
13 identifies the amount of funding the state and the respective
14 university are paying on behalf of the student to reflect the
15 true costs of the student's education. State funding to the
16 university and state-supported financial assistance shall be
17 itemized and included in the billing statement. The billing
18 statement required by this subsection may be transmitted to
19 the student by e-mail, web page, or other electronic means. A
20 sample of the billing statement format shall be submitted to
21 the Board of Governors for its review and approval prior to
22 August 15 of each year.

23 (16) Each university board of trustees shall develop a
24 proposal to establish a block tuition and fee policy in order
25 to decrease the time required for students to earn their
26 degrees. The proposals shall not increase costs to students
27 or the state for students participating in the Florida Bright
28 Futures Scholarship Program or the Florida Prepaid College
29 Program. The proposals shall be submitted to the Board of
30 Governors, the Governor, the President of the Senate, and the
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1 Speaker of the House of Representatives no later than December
2 15, 2004.

3 (17)(a) Each university board of trustees shall
4 establish a tuition and fee policy, beginning with the
5 2004-2005 academic year, for students not seeking a degree.
6 For purposes of this subsection, a student not seeking a
7 degree is a student who has not been formally admitted to the
8 university as an undergraduate, graduate, or professional
9 student. The policy may not be implemented without legislative
10 authorization.

11 (b) Such policy shall require students who are not
12 seeking a degree to pay the full cost of instruction per
13 credit hour, but shall provide an exemption for the following
14 students:

15 1. Students who provide documentation that the courses
16 they seek to enroll in are required for professional
17 licensure, certification, or recertification.

18 2. Active duty military personnel.

19 3. Retired military personnel within 2 years after
20 retirement.

21 4. Full-time employees of state agencies or political
22 subdivisions of the state when the employee's tuition and fees
23 are paid by the state agency or political subdivision for the
24 purpose of taking job-related courses.

25 (c) Student credit hours generated by students who are
26 not seeking a degree, excluding those students who have been
27 provided an exemption pursuant to paragraph (b), shall be
28 identified separately when reporting full-time equivalent
29 student enrollments.

30 (d) The policy shall be submitted to the Board of
31 Governors for its review and submission to the Governor, the

1 President of the Senate, and the Speaker of the House of
2 Representatives.

3 (18)(a) Each university board of trustees shall
4 establish a tuition and fee policy, beginning with the
5 2004-2005 academic year, for students who are in excess of the
6 number of credit hours needed to graduate by more than 15
7 percent. The policy may not be implemented without legislative
8 authorization.

9 (b) Such policy shall require students who are in
10 excess of the number of credit hours needed to graduate by
11 more than 15 percent to pay the full cost of instruction per
12 credit hour, but shall provide an exemption for the following
13 credit hours earned by students:

14 1. Credit hours earned through an acceleration
15 mechanism identified in s. 1007.27.

16 2. Credit hours earned in remedial courses.

17 3. Credit hours earned in military science courses.

18 4. Credit hours required to achieve a dual major.

19 5. Credit hours required to achieve teacher
20 certification that are not credited toward the student's first
21 baccalaureate degree.

22 6. Credit hours taken by active duty military
23 personnel.

24 7. Credit hours in courses from which a student must
25 withdraw due to medical or personal hardship reasons.

26 (c) The policy shall include the following credit
27 hours earned by students for purposes of this subsection:

28 1. All credit hours for courses taken at the state
29 university from which the student is seeking a degree,
30 including repeated courses and failed courses, except as
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1 provided in s. 1009.285, and courses that are dropped after
2 the university's advertised last day of drop and add.

3 2. All credit hours earned at another institution and
4 accepted for transfer.

5 (d) Student credit hours generated by students who are
6 in excess of the number of credit hours needed to graduate by
7 more than 15 percent, excluding those credit hours identified
8 in paragraph (b), shall be identified separately when
9 reporting full-time equivalent student enrollments.

10 (e) The policy shall be submitted to the Board of
11 Governors for its review and submission to the Governor, the
12 President of the Senate, and the Speaker of the House of
13 Representatives.

14 Section 5. Section 1011.94, Florida Statutes, is
15 amended to read:

16 1011.94 Trust Fund for University Major Gifts.--

17 (1) There is established a Trust Fund for University
18 Major Gifts. The purpose of the trust fund is to enable each
19 university ~~and New College~~ to provide donors with an incentive
20 in the form of matching grants for donations for the
21 establishment of permanent endowments and sales tax exemption
22 matching funds received pursuant to s. 212.08(5)(j), which
23 must be invested, with the proceeds of the investment used to
24 support libraries and instruction and research programs, as
25 defined by the Board of Governors ~~State Board of Education~~.
26 All funds appropriated for the challenge grants, new donors,
27 major gifts, sales tax exemption matching funds pursuant to s.
28 212.08(5)(j), or eminent scholars program must be deposited
29 into the trust fund and invested pursuant to s. 17.61 until
30 the Board of Governors ~~State Board of Education~~ allocates the
31 funds to universities to match private donations.

1 Notwithstanding s. 216.301 and pursuant to s. 216.351, any
2 undisbursed balance remaining in the trust fund and interest
3 income accruing to the portion of the trust fund which is not
4 matched and distributed to universities must remain in the
5 trust fund and be used to increase the total funds available
6 for challenge grants. Funds deposited in the trust fund for
7 the sales tax exemption matching program authorized in s.
8 212.08(5)(j), and interest earnings thereon, shall be
9 maintained in a separate account within the Trust Fund for
10 University Major Gifts, and may be used only to match
11 qualified sales tax exemptions that a certified business
12 designates for use by state universities and community
13 colleges to support research and development projects
14 requested by the certified business. ~~The State Board of~~
15 ~~Education may authorize any university to encumber the state~~
16 ~~matching portion of a challenge grant from funds available~~
17 ~~under s. 1011.45.~~

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

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

29 (b) Donations from a private source must be for a
30 specific purpose to support university priorities as
31

1 established by the university's board of trustees and must be
2 matched in the following manner:

3 1. Each university that raises at least \$100,000 but
4 no more than ~~\$499,999~~\$599,999 from a private source must
5 receive a matching grant equal to ~~25~~ 50 percent of the private
6 contribution.

7 2. Each university that raises a contribution of at
8 least ~~\$500,000~~\$600,000 but no more than ~~\$999,999~~\$1 million
9 from a private source must receive a matching grant equal to
10 ~~70~~ 50 percent of the private contribution.

11 3. Each university that raises a contribution ~~in~~
12 ~~excess~~ of at least \$1 million but ~~less~~ ~~no more~~ than ~~\$3~~\$1.5
13 million from a private source must receive a matching grant
14 equal to 75 percent of the private contribution.

15 ~~4. Each university that raises a contribution in~~
16 ~~excess of \$1.5 million but no more than \$2 million from a~~
17 ~~private source must receive a matching grant equal to 80~~
18 ~~percent of the private contribution.~~

19 ~~4.5.~~ Each university that raises a contribution ~~in~~
20 ~~excess~~ of ~~\$3~~\$2 million or more from a private source must
21 receive a matching grant equal to 100 percent of the private
22 contribution.

23 5. A bundled gift shall be limited to not more than \$1
24 million and a maximum match of 50 percent.

25 6. The maximum amount of matching funds that may be
26 used to match a single gift in any given year is \$3 million.
27 The maximum total amount of matching funds that may be used to
28 match any single gift is \$15 million, to be distributed in
29 equal amounts of \$3 million per year over a period of 5 years,
30 subject to availability of funds.

31

1 ~~(c) The State Board of Education shall encumber state~~
2 ~~matching funds for any pledged contributions, pro rata, based~~
3 ~~on the requirements for state matching funds as specified for~~
4 ~~the particular challenge grant and the amount of the private~~
5 ~~donations actually received by the university for the~~
6 ~~respective challenge grant.~~

7 (4) Matching funds may be provided for contributions
8 encumbered or pledged under the Eminent Scholars Act prior to
9 July 1, 1994, and for donations or pledges of any amount equal
10 to or in excess of the prescribed minimums which are pledged
11 for the purpose of this section.

12 (5)(a) Each university foundation ~~and New College~~
13 ~~Foundation~~ shall establish a challenge grant account for each
14 challenge grant as a depository for private contributions and
15 state matching funds to be administered on behalf of the Board
16 of Governors or State Board of Education, the university, ~~or~~
17 ~~New College~~. State matching funds must be transferred to a
18 university foundation ~~or New College Foundation~~ upon
19 notification that the university ~~or New College~~ has received
20 and deposited the amount specified in this section in a
21 foundation challenge grant account.

22 (b) The foundation serving a university ~~and New~~
23 ~~College Foundation~~ each has the responsibility for the
24 maintenance and investment of its challenge grant account and
25 for the administration of the program on behalf of the
26 university ~~or New College~~, pursuant to procedures specified by
27 the Board of Governors State Board of Education. Each
28 foundation shall include in its annual report to the Board of
29 Governors State Board of Education information concerning
30 collection and investment of matching gifts and donations and
31 investment of the account.

1 (c) A private donation of at least ~~\$700,000~~\$600,000
2 and associated state matching funds may be used to designate
3 an Eminent Scholar Endowed Chair pursuant to procedures
4 specified by the State Board of Education.

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

9 (7) Any gift, including a gift pledged and approved
10 for initial match, which is approved by the Board of Governors
11 and on the pending list before July 1, 2005, shall be eligible
12 for state match at the matching rate in effect immediately
13 prior to July 1, 2004. The revised matching rates are
14 effective for new gifts and pledges made on or after July 1,
15 2005.

16 (8) Implementation of this section is contingent upon
17 legislative appropriation and as provided by law.

18 Section 6. James E. "Jim" and Linda King, Jr., Student
19 Union Building designated; University of North Florida to
20 erect suitable markers.--

21 (1) The Student Union Building at the University of
22 North Florida is designated as the "James E. "Jim" and Linda
23 King, Jr., Student Union Building."

24 (2) The University of North Florida is authorized to
25 erect suitable markers for the designation of the James E.
26 "Jim" and Linda King, Jr., Student Union Building as described
27 in subsection (1).

28 Section 7. John M. McKay Visitors' Pavilion
29 designated; Florida State University to erect suitable
30 markers.--

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1 (1) The proposed entrance pavilion at the John and
2 Mabel Ringling Museum of Art at the Florida State University
3 Center for Cultural Arts in Sarasota is designated as the
4 "John M. McKay Visitors' Pavilion."

5 (2) Florida State University is authorized to erect
6 suitable markers for the designation of the John M. McKay
7 Visitors' Pavilion as described in subsection (1).

8 Section 8. Section 1004.63, Florida Statutes, is
9 created to read:

10 1004.63 Florida-Scripps Research Compact.--

11 (1) There is created the Florida-Scripps Research
12 Compact. The purpose of the compact is to explore facilitating
13 and maximizing Florida's postsecondary collaboration with the
14 Scripps Research Institute, including the feasibility and
15 planning of a physical presence constituting a fully
16 operational State of Florida-Scripps Research Campus over a
17 multiyear phase-in. Such plans may include, but need not be
18 limited to, the creation of research and graduate education
19 facilities for faculty, support staff, and students of the
20 state universities, the state's historically black colleges
21 and universities, the University of Miami, and any other
22 accredited medical school in this state to collaborate with
23 the Scripps Research Institute; the acquisition of land,
24 facilities, and equipment; the potential for placement of a
25 research hospital on the campus; the placement of a
26 public-private research incubator on the campus; and any other
27 public-private partnerships and necessary physical resources
28 that would enhance the state's relationship with the Scripps
29 Research Institute. By December 31, 2004, the compact shall
30 submit a report to the Office of the Governor, the Senate, and
31 the House of Representatives outlining the potential and

1 feasibility of a Florida-Scripps Research Campus, including
2 plans for governance, operation, and phased-in budget.

3 (2) For purposes of administration and fiscal agency,
4 the compact shall be hosted by Florida Atlantic University and
5 chaired by the President of Florida Atlantic University.
6 Functions of the compact shall be overseen by a board of
7 directors whose composition shall be determined by the
8 Governor, in consultation with the Scripps Research Institute.

9 (3) A Compact Research Advisory Committee shall serve
10 as a standing committee of the board of directors. The
11 committee shall be comprised of all members of the Florida
12 Research Consortium and other members as determined by the
13 Governor. The purpose of the Compact Research Advisory
14 Committee shall be to facilitate the report as well as the
15 future collaboration and coordination among Florida's
16 postsecondary institutions and the Scripps Research Institute.
17 Such coordination shall be for purposes of communication,
18 efficiency, priority, and nonduplication rather than as a
19 restriction on any Florida postsecondary institution and its
20 relationship with the Scripps Research Institute.

21 Section 9. There is appropriated from the General
22 Revenue Fund to the State Board of Education the sum of
23 \$250,000 in nonrecurring funds for the 2004-2005 fiscal year.
24 These funds shall be administered by the Board of Governors of
25 the State University System to support the activities of the
26 Florida-Scripps Research Compact and the Compact Research
27 Advisory Committee.

28 Section 10. Section 1004.451, Florida Statutes, is
29 created to read:

30 1004.451 Center for the Performing Arts direct-support
31 organization.--

1 (1) Florida State University shall create a
2 direct-support organization for the Florida State University
3 Center for the Performing Arts for the purposes described in
4 this section. The board of directors of the direct-support
5 organization shall consist of eleven members. The core members
6 of the board of directors shall be the President of Florida
7 State University, the Chair of the Board of Trustees for
8 Florida State University, the Dean of Florida State University
9 School of Theater, the Dean of Florida State University School
10 of Visual Arts and Dance, the Director of Florida State
11 University Conservatory for Actor Training in Sarasota, and
12 two members nominated by Asolo Theater, Inc., and approved by
13 the President of Florida State University. The seven core
14 members of the board shall appoint two additional members to
15 serve on the board of directors with the approval of the
16 President of Florida State University. The President of
17 Florida State University shall appoint two members from the
18 Sarasota community, or, at the President's discretion, may
19 appoint two members nominated by the Sarasota Ballet, Inc.
20 Upon appointment of all members of the board of directors, the
21 direct-support organization shall develop a charter and bylaws
22 to govern its operation provided that all decisions by its
23 board of directors shall be taken by at least six-vote
24 majorities. The charter, bylaws, and any modifications of such
25 shall be subject to approval by Florida State University.

26 (2) The direct-support organization, operating under
27 its charter and bylaws, shall acquire from Florida State
28 University, own, and operate the Florida State University
29 Center for the Performing Arts, and shall promote a resident
30 professional repertory program to work in conjunction with,
31 complement, and support the conservatory's graduate

1 educational theater program of Florida State University in
2 Sarasota. It shall engage in fundraising to support its
3 activities and support the independent fundraising efforts of
4 the Asolo and the Conservatory for Actor Training. The
5 direct-support organization shall operate and maintain the
6 building in coordination with the Florida State University
7 Ringling Cultural Center. All agreements between Florida State
8 University and Asolo in force on the effective date of this
9 act shall remain binding on the parties.

10 (3) The direct-support organization shall provide for
11 an annual financial audit in accordance with s. 1004.28(5).
12 The audit shall be addressed to the direct support
13 organization, Florida State University, the Asolo, and, if it
14 has members serving on the board of directors, the Sarasota
15 Ballet, each of whom are authorized to require and receive
16 from the direct-support organization, or from its independent
17 auditor, any detail or supplemental data relative to the
18 operation of such organization.

19 (4) An employee or member of the direct-support
20 organization may not receive, nor any member of their
21 immediate family receive, a commission, fee, or financial
22 benefit in connection with services or goods associated with
23 the direct-support organization and may not be a business
24 associate of any individual, firm, or organization involved in
25 the sale or exchange of goods or services within the
26 direct-support organization.

27 (5) In all other respects, the direct-support
28 organization shall act as a direct-support organization
29 authorized and governed by the provisions of s. 1004.28.

30 (6) Florida State University shall transfer the Center
31 for the Performing Arts to the direct-support organization

1 when Florida State University has approved the charter and
2 bylaws of the direct-support organization.

3 Section 11. Subsection (7) is added to section 121.35,
4 Florida Statutes, to read:

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

7 (7) MAINTENANCE AND ADMINISTRATION OF
8 PROGRAM.--Effective July 1, 2004, a state university, as
9 defined in s. 1000.21, may irrevocably assume responsibility
10 for the independent maintenance and administration of the
11 optional retirement program described in this section with
12 respect to all former, present, and future eligible employees
13 of such university and their beneficiaries. When a state
14 university implements the independent optional retirement
15 program, the provisions of this section shall apply, except to
16 the extent that such provisions are superseded by the
17 following:

18 (a) All employer and employee contributions under the
19 program shall be made either directly by the state university
20 or by its program administrator to the designated provider
21 companies that are contracting pursuant to subsection (1) for
22 the accumulation and payment of benefits to the program
23 participant, provided that a program administrator may not
24 also be a designated provider company or affiliate thereof and
25 shall be engaged solely for the purpose of facilitating the
26 payment of contributions to designated provider companies as
27 selected by the participant employee upon enrollment with such
28 provider companies or their local representatives.

29 (b) The state university may authorize the deposit
30 into a participant's account or accounts contributions in the
31 form of rollovers or direct trustee-to-trustee transfers by or

1 on behalf of participants who are reasonably determined by the
2 state university to be eligible for rollover or transfer to
3 its optional retirement program pursuant to the Internal
4 Revenue Code and any applicable requirements of the state
5 university. Accounting for such contributions by the
6 designated provider companies shall be in accordance with the
7 applicable requirements of the Internal Revenue Code and the
8 state university.

9 (c) The state university may deduct from its employer
10 contribution on behalf of each program participant an amount
11 approved by the state university's board of trustees to
12 provide for the administration of its optional retirement
13 program.

14 (d) Benefits shall be paid by the provider company or
15 companies in accordance with law, the provisions of the
16 contract, and any applicable state university rule or policy.

17 (e) All aspects of the administration of the program
18 as set forth in subsection (6), including the selection of
19 provider companies, investment products, and contracts offered
20 through the optional retirement program, written program
21 description, and an annual accounting of contributions made by
22 and on behalf of each participant, shall be the sole
23 responsibility of the state university.

24 (f) For purposes of administering the Florida
25 Retirement System, the state university shall continue to
26 report required information to the division on a monthly
27 basis.

28 (g) This section does not terminate or otherwise
29 modify contracts entered into prior to July 1, 2004, between
30 the current designated provider companies and the Division of
31 Retirement or the Department of Management Services. Any

1 rights under such contracts which are exercisable by the
2 division or department shall be exercisable by each university
3 assuming responsibility for its own optional retirement
4 program pursuant to this section as the successor governmental
5 entity with respect to such contracts.

6 Section 12. Subsection (7) is added to section
7 121.122, Florida Statutes, to read:

8 121.122 Renewed membership in system.--Except as
9 provided in s. 121.053, effective July 1, 1991, any retiree of
10 a state-administered retirement system who is employed in a
11 regularly established position with a covered employer shall
12 be enrolled as a compulsory member of the Regular Class of the
13 Florida Retirement System or, effective July 1, 1997, any
14 retiree of a state-administered retirement system who is
15 employed in a position included in the Senior Management
16 Service Class shall be enrolled as a compulsory member of the
17 Senior Management Service Class of the Florida Retirement
18 System as provided in s. 121.055, and shall be entitled to
19 receive an additional retirement benefit, subject to the
20 following conditions:

21 (7) Effective July 1, 2004, any retiree of a
22 state-administered retirement system who is employed in a
23 regularly established position is eligible to participate in
24 an optional retirement program as established in s. 121.35 or
25 s. 121.051(2)(c), subject to the provisions of those sections.

26 Section 13. Subsection (19) of section 1001.74,
27 Florida Statutes, is amended to read:

28 1001.74 Powers and duties of university boards of
29 trustees.--

30 (19)(a) Each board of trustees shall establish the
31 personnel program for all employees of the university,

1 including the president, pursuant to the provisions of chapter
2 1012 and, in accordance with rules and guidelines of the State
3 Board of Education, including: compensation and other
4 conditions of employment, recruitment and selection,
5 nonreappointment, standards for performance and conduct,
6 evaluation, benefits and hours of work, leave policies,
7 recognition and awards, inventions and works, travel, learning
8 opportunities, exchange programs, academic freedom and
9 responsibility, promotion, assignment, demotion, transfer,
10 tenure and permanent status, ethical obligations and conflicts
11 of interest, restrictive covenants, disciplinary actions,
12 complaints, appeals and grievance procedures, and separation
13 and termination from employment. The Department of Management
14 Services shall retain authority over state university
15 employees for programs established in ss. 110.123, 110.161,
16 110.1232, 110.1234, and 110.1238 and in chapters 121, 122, and
17 238, except as otherwise provided in paragraph (b).

18 (b) Boards of trustees administering optional
19 retirement programs pursuant to s. 121.35(7) may enter into
20 consortia with other boards of trustees for this purpose.

21 Section 14. This act shall take effect July 1, 2004.
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