

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; requiring remaining state
15 universities to assume those responsibilities
16 if eight universities have done so; amending s.
17 121.122, F.S.; authorizing participation by
18 renewed members in specified optional programs;
19 amending s. 1001.74, F.S., to conform;
20 providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

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

26 1004.55 Regional autism centers.--

27 (1) Seven ~~Six~~ regional autism centers are established
28 to provide nonresidential resource and training services for
29 persons of all ages and of all levels of intellectual
30 functioning who have autism, as defined in s. 393.063; who
31 have a pervasive developmental disorder that is not otherwise

1 specified; who have an autistic-like disability; who have a
2 dual sensory impairment; or who have a sensory impairment with
3 other handicapping conditions. Each center shall be
4 operationally and fiscally independent and shall provide
5 services within its geographical region of the state. Each
6 center shall coordinate services within and between state and
7 local agencies and school districts but may not duplicate
8 services provided by those agencies or school districts. The
9 respective locations and service areas of the centers are:

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

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

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

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

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

30
31

1 (f) The College of Health and Public Affairs at the
 2 University of Central Florida, which serves Brevard, Lake,
 3 Orange, Osceola, Seminole, Sumter, and Volusia Counties.

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

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

14 Section 2. Paragraph (b) of subsection (1) of section
 15 1009.531, Florida Statutes, is amended to read:

16 1009.531 Florida Bright Futures Scholarship Program;
 17 student eligibility requirements for initial awards.--

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

21 (b) Earn a standard Florida high school diploma or its
 22 equivalent as described in s. 1003.429, s. 1003.43, or s.
 23 1003.435 unless:

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

28 2. The student earns a high school diploma from a
 29 non-Florida school while living with a parent or guardian who
 30 is on military or public service assignment away from Florida.
 31

1 Section 3. Section 1011.901, Florida Statutes, is
2 created to read:

3 1011.901 Incentive funding for targeted degree
4 production at state universities.--

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

13 (2) TARGETED CRITICAL AREAS DURING THE 2004-2005
14 FISCAL YEAR.--The targeted academic discipline areas deemed
15 critical to future job growth needs of this state for the
16 2004-2005 fiscal year shall be:

- 17 (a) Teaching;
- 18 (b) Nursing;
- 19 (c) Engineering; and
- 20 (d) Information Technology.

21 (3) ALLOCATION OF INCENTIVE AWARDS FOR THE 2004-2005
22 FISCAL YEAR.--

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

29 (b) Prior to allocating any appropriated incentive
30 awards, the Board of Governors shall establish a base from the
31 2003-2004 full-time equivalent student enrollments in the

1 upper-level and graduate-level academic courses identified
2 pursuant to this subsection and taken by students who are
3 officially seeking an undergraduate or graduate degree in the
4 targeted academic disciplines identified pursuant to this
5 subsection.

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

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

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

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

1 end of the fiscal year shall revert to the General Revenue
2 Fund unallocated.

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

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

11 1009.24 State university student fees.--

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

25 (16) Each university board of trustees shall develop a
26 proposal to establish a block tuition and fee policy in order
27 to decrease the time required for students to earn their
28 degrees. The proposals shall not increase costs to students
29 or the state for students participating in the Florida Bright
30 Futures Scholarship Program or the Florida Prepaid College
31 Program. The proposals shall be submitted to the Board of

1 Governors, the Governor, the President of the Senate, and the
2 Speaker of the House of Representatives no later than December
3 15, 2004.

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

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

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

19 2. Active duty military personnel.

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

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

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

31

1 (d) The policy shall be submitted to the Board of
2 Governors for its review and submission to the Governor, the
3 President of the Senate, and the Speaker of the House of
4 Representatives.

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

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

16 1. Credit hours earned through an acceleration
17 mechanism identified in s. 1007.27.

18 2. Credit hours earned in remedial courses.

19 3. Credit hours earned in military science courses.

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

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

24 6. Credit hours taken by active duty military
25 personnel.

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

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

30 1. All credit hours for courses taken at the state
31 university from which the student is seeking a degree,

1 including repeated courses and failed courses, except as
2 provided in s. 1009.285, and courses that are dropped after
3 the university's advertised last day of drop and add.

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

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

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

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

17 1011.94 Trust Fund for University Major Gifts.--

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

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

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

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

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

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 50 ~~70~~ 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.--

31

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. If eight state
14 universities assume that responsibility in accordance with
15 this subsection, each of the remaining state universities
16 must, within 1 year, also assume that responsibility. When a
17 state university implements the independent optional
18 retirement program, the provisions of this section shall
19 apply, except to the extent that such provisions are
20 superseded by the following:

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

1 (b) The state university may authorize the deposit
2 into a participant's account or accounts contributions in the
3 form of rollovers or direct trustee-to-trustee transfers by or
4 on behalf of participants who are reasonably determined by the
5 state university to be eligible for rollover or transfer to
6 its optional retirement program pursuant to the Internal
7 Revenue Code and any applicable requirements of the state
8 university. Accounting for such contributions by the
9 designated provider companies shall be in accordance with the
10 applicable requirements of the Internal Revenue Code and the
11 state university.

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

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

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

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

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1 (g) This section does not terminate or otherwise
2 modify contracts entered into prior to July 1, 2004, between
3 the current designated provider companies and the Division of
4 Retirement or the Department of Management Services. Any
5 rights under such contracts which are exercisable by the
6 division or department shall be exercisable by each university
7 assuming responsibility for its own optional retirement
8 program pursuant to this section as the successor governmental
9 entity with respect to such contracts.

10 Section 12. Subsection (7) is added to section
11 121.122, Florida Statutes, to read:

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

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

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

1 1001.74 Powers and duties of university boards of
2 trustees.--

3 (19)~~(a)~~ Each board of trustees shall establish the
4 personnel program for all employees of the university,
5 including the president, pursuant to the provisions of chapter
6 1012 and, in accordance with rules and guidelines of the State
7 Board of Education, including: compensation and other
8 conditions of employment, recruitment and selection,
9 nonreappointment, standards for performance and conduct,
10 evaluation, benefits and hours of work, leave policies,
11 recognition and awards, inventions and works, travel, learning
12 opportunities, exchange programs, academic freedom and
13 responsibility, promotion, assignment, demotion, transfer,
14 tenure and permanent status, ethical obligations and conflicts
15 of interest, restrictive covenants, disciplinary actions,
16 complaints, appeals and grievance procedures, and separation
17 and termination from employment. The Department of Management
18 Services shall retain authority over state university
19 employees for programs established in ss. 110.123, 110.161,
20 110.1232, 110.1234, and 110.1238 and in chapters 121, 122, and
21 238, except as otherwise provided in paragraph (b).

22 (b) Each board of trustees may implement and
23 administer an optional retirement program pursuant to s.
24 121.35(7) and may enter into consortia with other boards of
25 trustees for this purpose.

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