

Committee Substitute for
Committee Substitute for Senate Bill No. 1924

An act relating to postsecondary education; amending s. 121.35, F.S.; revising eligibility for participation in the optional retirement program for the system; amending s. 239.117, F.S.; providing a fee exemption for certain postsecondary students; amending s. 240.156, F.S.; allowing the use of moneys in the State University System Concurrency Trust Fund to defray the costs of updating campus master plans; amending s. 240.209, F.S.; providing for naming an entity within a state university for a living person; amending s. 240.235, F.S.; providing a fee exemption for certain students; providing that students enrolled in Programs in Medical Sciences are graduate students for purposes of enrollment and fees; amending s. 240.35, F.S.; providing a fee exemption for certain students; amending s. 240.227, F.S.; defining the term "continuing contract" for purposes of a university president's contracting authority; amending s. 240.233, F.S.; providing for the recalculation of grade-point averages; amending s. 240.421, F.S.; expanding the membership of the Florida Council of Student Financial Aid Advisors; amending s. 413.613, F.S.; requiring reports by institutions receiving funds from the Brain and Spinal Cord Injury Rehabilitation Trust Fund; repealing provisions relating to the program review process; providing an exemption from registration as an engineer for certain teachers; repealing s. 240.5335, F.S., relating to the Women's Athletics Trust Fund; amending s. 240.207, F.S.; revising the terms of office of members of the Board of Regents; providing an appropriation for the University of Miami, School of Medicine, Office of Minority Affairs; providing for a feasibility study regarding creation of the Florida Geoscience Center in Tallahassee; amending s. 243.19, F.S.; providing findings for institutions for higher education; amending s. 243.20, F.S.; redefining the terms "project" and "cost"; defining the term "loan in anticipation of tuition revenues"; amending s. 243.22, F.S.; authorizing loans in anticipation of tuition revenues; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section 121.35, Florida Statutes, 1998 Supplement, is amended to read:

121.35 Optional retirement program for the State University System.—

(2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL PROGRAM.—

(a) Participation in the optional retirement program provided by this section shall be limited to persons who are otherwise eligible for membership in the Florida Retirement System; who are employed or appointed for no less than one academic year; and who are employed in one of the following State University System positions:

1. Positions classified as instructional and research faculty which are exempt from the career service under the provisions of s. 110.205(2)(d).

~~2. Positions classified as administrative and professional which are exempt from the career service under the provisions of s. 110.205(2)(d), provided that only those positions that are included in the State University System Executive Service, or those which the division determines meet the following criteria, shall be eligible to participate: The duties and responsibilities of the position shall include either the formulation, interpretation, or implementation of academic policies, or the performance of functions which are unique or specialized within higher education and which frequently involve the support of the academic mission of the university; and recruiting to fill vacancies in the position shall be conducted within the national or regional market. The employer shall submit an application, including a certification that the position meets the criteria for eligibility, to the division for each administrative and professional position not in the Executive Service for which it seeks eligibility for the optional retirement program.~~

3. The Chancellor and the university presidents.

Section 2. Paragraph (c) of subsection (4) of section 239.117, Florida Statutes, 1998 Supplement, is amended to read:

239.117 Postsecondary student fees.—

(4) The following students are exempt from the payment of registration, matriculation, and laboratory fees:

(c) A student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or pursuant to parts II and III of chapter 39, for whom the permanency planning goal pursuant to part III of chapter 39 is long-term foster care or independent living, or who is adopted from the Department of Children and Family Services after May 5 December 31, 1997. Such exemption includes fees associated with enrollment in vocational-preparatory instruction and completion of the college-level communication and computation skills testing program. Such exemption shall be available to any student adopted from the Department of Children and Family Services after May 5 December 31, 1997; however, the exemption shall be valid for no more than 4 years after the date of graduation from high school.

Section 3. Section 240.156, Florida Statutes, is amended to read:

240.156 State University System Concurrency Trust Fund.—Notwithstanding any other provision of law, the general revenue service charge deducted pursuant to s. 215.20 on revenues raised by any local option motor fuel tax levied pursuant to s. 336.025(1)(b), as created by chapter 93-206, Laws of Florida, or similar legislation, shall be deposited in the State University System Concurrency Trust Fund, which is hereby created. Moneys in such trust fund shall be for the purpose of funding State University System offsite improvements required to meet concurrency standards adopted under part II of chapter 163. In addition, in any year in which campus master plans are updated pursuant to s. 240.155, but no more frequently than once every 5 years, up to 25 percent of the balance in the

trust fund for that year may be used to defray the costs incurred in updating those campus master plans.

Section 4. Subsection (10) is added to section 240.209, Florida Statutes, 1998 Supplement, to read:

240.209 Board of Regents; powers and duties.—

(10) No school, college, or center at a state university shall be named for a living person unless approved by the Board of Regents.

Section 5. Paragraph (a) of subsection (5) of section 240.235, Florida Statutes, 1998 Supplement, is amended and subsection (11) is added to that section to read:

240.235 Fees.—

(5)(a) Any student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or parts II and III of chapter 39, for whom the permanency planning goal pursuant to part III of chapter 39 is long-term foster care or independent living, or who is adopted from the Department of Children and Family Services after May 5 ~~December 31~~, 1997, shall be exempt from the payment of all undergraduate fees, including fees associated with enrollment in college-preparatory instruction or completion of college-level communication and computation skills testing programs. Before a fee exemption can be given, the student shall have applied for and been denied financial aid, pursuant to s. 240.404, which would have provided, at a minimum, payment of all undergraduate fees. Such exemption shall be available to any student adopted from the Department of Children and Family Services after May 5 ~~December 31~~, 1997; however, the exemption shall be valid for no more than 4 years after the date of graduation from high school.

(11) Students who are enrolled in Programs in Medical Sciences are considered graduate students for the purpose of enrollment and student fees.

Section 6. Paragraph (a) of subsection (2) of section 240.35, Florida Statutes, 1998 Supplement, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction leading to an associate in arts degree, an associate in applied science degree, or an associate in science degree and noncollege credit college-preparatory courses defined in s. 239.105.

(2)(a) Any student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or parts II and III of chapter 39, for whom the permanency planning goal pursuant to part III of chapter 39 is long-term foster care or independent living, or who is adopted from the Department of Children and Family Services after May 5 ~~December 31~~, 1997, shall be exempt from the payment of all undergraduate fees, including fees associated with enrollment in college-preparatory instruction or completion of the

college-level communication and computation skills testing program. Before a fee exemption can be given, the student shall have applied for and been denied financial aid, pursuant to s. 240.404, which would have provided, at a minimum, payment of all student fees. Such exemption shall be available to any student adopted from the Department of Children and Family Services after ~~May 5~~ ~~December 31~~, 1997; however, the exemption shall be valid for no more than 4 years after the date of graduation from high school.

Section 7. Subsection (12) of section 240.227, Florida Statutes, 1998 Supplement, is amended to read:

240.227 University presidents; powers and duties.—The president is the chief administrative officer of the university and is responsible for the operation and administration of the university. Each university president shall:

(12) Approve and execute contracts for the acquisition of commodities, goods, equipment, services, leases of real and personal property, and construction to be rendered to or by the university, provided such contracts are made pursuant to rules of the Board of Regents, are for the implementation of approved programs of the university, and do not require expenditures in excess of \$1 million. The acquisition may be made by installment or lease-purchase contract. Such contracts may provide for the payment of interest on the unpaid portion of the purchase price. Notwithstanding any other provisions of this subsection, university presidents shall comply with the provisions of s. 287.055 for the procurement of professional services and may approve and execute all contracts for planning, construction, and equipment for projects with building programs and construction budgets approved by the Board of Regents. For the purposes of a university president's contracting authority, a "continuing contract" for professional services under the provisions of s. 287.055 is one in which construction costs do not exceed \$1 million or the fee for study activity does not exceed \$100,000.

Section 8. Subsection (8) is added to section 240.233, Florida Statutes, 1998 Supplement, to read:

240.233 Universities; admissions of students.—Each university shall govern admissions of students, subject to this section and rules of the Board of Regents.

(8) A Florida resident who is denied admission as an undergraduate to a state university for failure to meet the high school grade-point-average requirement may appeal the decision to the university and request a recalculation of the grade point average including in the revised calculation the grades earned in up to three credits of advanced fine arts courses. The university shall provide the student with a description of the appeals process at the same time as notification of the admissions decision. The university shall recalculate the student's grade point average using the additional courses and advise the student of any changes in the student's admission status. For purposes of this section, fine arts courses include courses in music, drama, painting, sculpture, speech, debate, or a course in any art form that requires manual dexterity. Advanced level fine arts courses include fine arts courses identified in the course code directory as Advanced

Placement, pre-International Baccalaureate, or International Baccalaureate, or fine arts courses taken in the third or fourth year of a fine arts curriculum.

Section 9. Paragraph (a) of subsection (1) of section 240.421, Florida Statutes, is amended to read:

240.421 Florida Council of Student Financial Aid Advisors.—

(1) There is created the Florida Council of Student Financial Aid Advisors for the purpose of advising the State Board of Education, the Legislature, the Board of Regents, the State Board of Community Colleges, and the Postsecondary Education Planning Commission on policy matters related to student financial aid.

(a) The council shall be composed of the Chancellor of the State University System, or his or her designee, the Executive Director of the Division of Community Colleges, or his or her designee, the Executive Director of the Independent Colleges and Universities of Florida, the Executive Director of the Florida Association of Postsecondary Schools and Colleges, or his or her designee, and 14 members who shall be appointed by the Commissioner of Education. The membership of the council appointed by the Commissioner of Education shall include:

1. Two persons from the commercial financial community in this state.
2. Two persons from the postsecondary education community in this state who must be either the president, chief academic officer, or principal administrator for student services of a postsecondary educational institution.
3. Two practicing financial aid administrators for accredited private postsecondary institutions in this state.
4. Two practicing financial aid administrators for public community colleges in this state.
5. Two practicing financial aid administrators for state universities in this state.
6. Two practicing financial aid administrators for degree career education centers in this state, one of whom shall represent proprietary schools.
7. One lay citizen who does not derive a majority of his or her income from education or the commercial financial field.
8. One full-time student enrolled in postsecondary education in this state.

Section 10. Subsection (4) of section 413.613, Florida Statutes, is amended to read:

413.613 Brain and Spinal Cord Injury Rehabilitation Trust Fund.—

(4) The Board of Regents shall establish a program administration review process and may allocate up to \$10,000 of such funds for an overall program review which ~~shall~~ would include: an annual a prospective program plan with goals, research design, and proposed outcomes, a proposed budget, and an annual report of research activities and findings, and an annual end-of-year financial statement. Prospective program plans shall be submitted to the Board of Regents, and funds shall be released upon acceptance of the proposed program plans. The annual report of research activities and findings shall be submitted to the Board of Regents, with the executive summaries submitted to the President of the Senate, the Speaker of the House of Representatives, and the secretary of the Department of Labor and Employment Security.

Section 11. For the sole purpose of teaching the principles and methods of engineering design, notwithstanding the provisions of section 471.005(6), Florida Statutes, a person employed by a public postsecondary educational institution, or by an independent postsecondary educational institution licensed or exempt from licensure pursuant to the provisions of chapter 246, Florida Statutes, is not required to register under the provisions of sections 471.001-471.037, Florida Statutes, as a registered engineer.

Section 12. Section 240.5335, Florida Statutes, is repealed.

Section 13. Subsection (1) of section 240.207, Florida Statutes, 1998 Supplement, is amended to read:

240.207 Board of Regents; appointment of members; qualifications and terms of office.—

(1) The Board of Regents shall consist of the Commissioner of Education and 13 citizens of this state who shall be selected from the state at large, representative of the geographical areas of the state; who shall have been residents and citizens thereof for a period of at least 10 years prior to their appointment (one of whom shall be a member registered as a full-time student in the State University System and who shall have been a resident of this state for at least 5 years prior to appointment in lieu of the 10 years required of other members); and who shall be appointed by the Governor, approved by three members of the Cabinet, and confirmed by the Senate. However, no appointee shall take office until after his or her appointment has been approved by three members of the Cabinet. The State Board of Education shall develop rules and procedures for review and approval of the appointees. Except for the Commissioner of Education and except for the full-time student member, who shall serve for 1 year, the terms of office for the members of the Board of Regents ~~appointed after the effective date of this act~~ shall be 6 4 years and until their successors are appointed and qualified, except in case of an appointment to fill a vacancy, in which case the appointment shall be for the unexpired term, and except as in this section otherwise provided. No member shall be selected from any county to serve with any other member from the same county, except that not more than two members may be selected from a county which has a population in excess of 900,000, and with the exceptions of the student member, who shall be selected at large, and the Commissioner of Education. The Governor

shall fill all vacancies, subject to the above approval and confirmation, that may at any time occur on the board.

Section 14. There is hereby appropriated \$200,000 from the General Revenue Fund to the University of Miami, School of Medicine, Office of Minority Affairs for Fiscal Year 1999-2000.

Section 15. Florida State University and the Florida Department of Environmental Protection shall conduct a study of the feasibility of creating the Florida Geoscience Center in Tallahassee. The findings and recommendations of the study shall be forwarded to the Speaker of the House of Representatives, President of the Senate, and the Governor by January 15, 2000.

Section 16. Section 243.19, Florida Statutes, is amended to read:

243.19 Findings and declaration of necessity.—It is declared that for the benefit of the people of the state, the increase of their commerce, welfare, and prosperity, and the improvement of their health and living conditions, it is essential that this and future generations of youth be given the fullest opportunity to learn and to develop their intellectual and mental capacities; that it is essential that institutions for higher education within each county in the state be provided with appropriate additional means to assist such youth in achieving the required levels of learning and development of their intellectual and mental capacities; ~~and that it is the purpose of this part to provide a measure of assistance and an alternate method to enable institutions of higher education in each county of this state to provide the facilities and structures which are sorely needed to accomplish the purposes of this part; and that it is essential to provide additional assistance to institutions~~ for higher education by enabling those institutions to coordinate their budgetary needs with the timing of receipt of tuition revenues in a manner similar to programs authorized for school districts within the state. The necessity in the public interest of the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

Section 17. Subsections (5) and (6) of section 243.20, Florida Statutes, are amended and subsection (10) is added to that section to read:

243.20 Definitions.—The following terms, wherever used or referred to in this part shall have the following respective meanings, unless a different meaning clearly appears from the context:

(5) "Project" means a structure suitable for use as a dormitory or other housing facility, dining hall, student union, administration building, academic building, library, laboratory, research facility, classroom, athletic facility, health care facility, and maintenance, storage, or utility facility, and other structures or facilities related thereto, or required thereto, or required or useful for the instruction of students, or the conducting of research, or the operation of an institution for higher education, including parking and other facilities or structures, essential or convenient for the orderly conduct of such institution for higher education and shall also include equipment and machinery and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended but shall not include such items as books, fuel, supplies or other

items which are customarily deemed to result in a current operating charge. The term also includes a loan in anticipation of tuition revenues by a private institution for higher education.

(6) "Cost," as applied to a project or any portion thereof financed under the provisions of this part, embraces all or any part of the cost of construction and acquisition of all lands, structures, real or personal property, rights, rights-of-way, franchises, easements and interests acquired or used for a project, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be removed, the cost of all machinery and equipment, financing charges, interest prior to, during and for a period of 30 months after completion of such construction, provisions for working capital, reserves for principal and interest and for extensions, enlargements, additions and improvements, cost of engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and of revenues, administrative expenses, expenses necessary or incident to determining the feasibility or practicability of constructing the project and such other expenses as may be necessary or incident to the construction and acquisition of the project, the financing of such construction and acquisition and the placing of the project in operation. In the case of a loan in anticipation of tuition revenues, the term "cost" means the amount of the loan in anticipation of revenues which does not exceed the amount of tuition revenues anticipated to be received by the borrowing institution for higher education in the 1-year period following the date of the loan, plus costs related to the issuance of the loans, or bonds, the proceeds of which fund the loans, and any related cost of debt service reserve funds associated therewith.

(10) "Loan in anticipation of tuition revenues" means a loan to a private institution for higher education under circumstances in which tuition revenues anticipated to be received by the institution in any budget year are estimated to be insufficient at any time during the budget year to pay the operating expenses or other obligations of the institution in accordance with the budget of the institution. The loans are permitted within guidelines adopted by the authority consistent with the provisions for similar loans undertaken by school districts under s. 237.151, excluding provisions applicable to the limitations on borrowings relating to the levy of taxes and the adoption of budgets in accordance with law applicable solely to school districts. The Florida Resident Access Grant shall not be considered tuition revenues for the purpose of calculating a loan to a private institution pursuant to the provision of this chapter.

Section 18. Subsection (12) of section 243.22, Florida Statutes, is amended to read:

243.22 Powers of authority.—The purpose of the authority shall be to assist institutions for higher education in the construction, financing, and refinancing of projects, and for this purpose the authority is authorized and empowered:

(12) To make loans to any participating institution for higher education for the cost of a project, including a loan in anticipation of tuition revenues,

in accordance with an agreement between the authority and the participating institution for higher education; provided no such loan shall exceed the total cost of the project as determined by the participating institution for higher education and approved by the authority.

Section 19. This act shall take effect July 1, 1999.

Approved by the Governor June 8, 1999.

Filed in Office Secretary of State June 8, 1999.