

2001

Session Law 01-079

Florida Senate & House of Representatives

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CS/SB 302 (2001)

	Barbara (WHITE)			
✓	S EDUCATION	2/6/01	415 Knott	/ 487-5215
Dennis call back on memo	S. Gen. Oversight (WILSON)	3/21/01 (Time)	525 Knott	/ 487-5177
FARRISER	S. Fin. + TAX	4/3/01	207 cap	/ 487-5925
McKee	S. APPROPs/SUB Edu	4/10/01	201 cap	/ 487-5145

CS/HB 281

DAVID WESTCOTT RANKIN	H Colleges + Univ.	3/26/01	✓	1302 cap	/ 486-31
Kama MOORE	H. Fiscal Policy	4/11/01	FAX	223 cap	/ 483-15
David Westcott	H. Council/Lifelong Learning	4/17/01	FAX	1301 cap	/ 414-6659

SEDU 2/6 Bob Boyd / Gen. Council / Independent Colleges +
(waived speaking time) Univ.

www.icue.org

Bob Boyd is w/ AKI-man SenterFit

FLORIDA LEGISLATURE

FINAL LEGISLATIVE BILL INFORMATION “CITATOR”

*2001 Regular Session
2000 Special Session “A”
(December)*



prepared by:

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HISTORY OF SENATE BILLS

S 288 (CONTINUED)

- 02/12/01 SENATE On Committee agenda—Rules and Calendar, 02/21/01, 3 15 pm, 37-S
- 02/21/01 SENATE Favorable with 1 amendment(s) by— Rules and Calendar, YEAS 10 NAYS 0
- 02/22/01 SENATE Placed on Calendar, on second reading
- 03/06/01 SENATE Introduced, referred to Rules and Calendar —SJ 00025, On Committee agenda—Rules and Calendar, 02/21/01, 3 15 pm, 37-S, Favorable with 1 amendment(s) by— Rules and Calendar, YEAS 10 NAYS 0 —SJ 00009, Placed on Calendar, on second reading —SJ 00009
- 03/07/01 SENATE Placed on Special Order Calendar —SJ 00003, —SJ 00008; Read second time —SJ 00110, Amendment(s) adopted —SJ 00110, Ordered engrossed —SJ 00110
- 04/20/01 SENATE House Bill substituted —SJ 00434, Laid on Table, Link/Iden/Sum/Compare passed, refer to HB 669 (Ch 2001-65)

S 290 REVISER'S/GENERAL BILL by Lee (Identical H 0671)

- Florida Statutes, amends provisions to conform to directive in specified provision to remove gender-specific references applicable to human beings from Florida Statutes without substantive change in legal effect. Amends 11 90, 228 082, 445 004, 570 61, 893 138 Effective Date 60 days after sun die
- 01/08/01 SENATE Prefiled
- 01/25/01 SENATE Referred to Rules and Calendar
- 02/12/01 SENATE On Committee agenda—Rules and Calendar, 02/21/01, 3 15 pm, 37-S
- 02/21/01 SENATE Favorable by— Rules and Calendar, YEAS 10 NAYS 0
- 02/22/01 SENATE Placed on Calendar, on second reading
- 03/06/01 SENATE Introduced, referred to Rules and Calendar —SJ 00025, On Committee agenda—Rules and Calendar, 02/21/01, 3 15 pm, 37-S, Favorable by— Rules and Calendar, YEAS 10 NAYS 0 —SJ 00009, Placed on Calendar, on second reading —SJ 00009
- 03/07/01 SENATE Placed on Special Order Calendar —SJ 00003, —SJ 00008, Read second time —SJ 00110
- 04/20/01 SENATE House Bill substituted —SJ 00435, Laid on Table, Link/Iden/Sum/Compare passed, refer to HB 671 (Ch 2001-66)

S 292 CLAIMS/GENERAL BILL by Wasserman Schultz (Identical H 1483)

- Relief/Estate of Frank Lee Smith, provides for relief of estate of Frank Lee Smith; compensates that estate for Mr. Smith's having been victim of miscarriage of justice, provides for waiver of any claims by estate of Frank Lee Smith Claim with Appropriation. \$3,500,000 Effective Date 07/01/2001
- 01/08/01 SENATE Prefiled
- 01/25/01 SENATE Referred to The Special Master on Claim Bills, Criminal Justice, Finance and Taxation
- 03/06/01 SENATE Introduced, referred to The Special Master on Claim Bills, Criminal Justice, Finance and Taxation —SJ 00025
- 05/04/01 SENATE Died in Committee on The Special Master on Claim Bills

S 294 GENERAL BILL/CS/CS by Judiciary; Comprehensive Planning, Local and Military Affairs; Sanderson, (CO-SPONSORS) Geller (Similar CS/1ST ENG/H 0019, Compare 3RD ENG/H 1225, CS/CS/1ST ENG/S 0446, CS/CS/1ST ENG/S 0460, CS/S 1216)

- Fair Housing Act, allows Mortgage Revenue Bond Program to be included in federal fair housing definition of elder housing; includes housing for homeless in eligible housing under Fla. Affordable Housing Guarantee Program, provides that facility or community claiming exemption from said act re familial status for housing for older persons shall register with Fla. Commission on Human Relations, etc. Amends 420 503, 5088, 5092, 760 29, 31 Effective Date 10/01/2001
- 01/09/01 SENATE Prefiled
- 01/25/01 SENATE Referred to Comprehensive Planning, Local and Military Affairs, Judiciary, Finance and Taxation, Appropriations Subcommittee on General Government, Appropriations
- 03/06/01 SENATE Introduced, referred to Comprehensive Planning, Local and Military Affairs, Judiciary, Finance and Taxation, Appropriations Subcommittee on General Government, Appropriations —SJ 00025
- 03/08/01 SENATE On Committee agenda—Comprehensive Planning, Local and Military Affairs, 03/13/01, 12 15 pm, 309-C
- 03/13/01 SENATE CS by Comprehensive Planning, Local and Military Affairs, YEAS 7 NAYS 0 —SJ 00149, CS read first time on 03/16/01 —SJ 00176
- 03/15/01 SENATE Now in Judiciary —SJ 00149
- 04/12/01 SENATE On Committee agenda—Judiciary, 04/17/01, 10 00 am, 412-K
- 04/17/01 SENATE CS/CS by Judiciary, YEAS 10 NAYS 0 —SJ 00424, CS read first time on 04/19/01 —SJ 00425

S 294 (CONTINUED)

- 04/19/01 SENATE Now in Finance and Taxation —SJ 00424
- 05/01/01 SENATE Withdrawn from Finance and Taxation, Appropriations Subcommittee on General Government, Appropriations —SJ 00673, Placed on Calendar, on second reading
- 05/03/01 SENATE Placed on Special Order Calendar —SJ 00951, Read second time —SJ 01071
- 05/04/01 SENATE House Bill substituted —SJ 01383, Laid on Table, Link/Iden/Sum/Compare passed, refer to CS/HB 19 (Ch 2001-143), See also HB 1225 (Ch 2001-201), CS/CS/CS/SB 446 (Ch 2001-98)

S 296 GENERAL BILL/CS by Governmental Oversight and Productivity; Carlton (Similar CS/CS/H 0111)

- Marine Biotechnology Development, establishes Florida Marine Biotechnology Research, Training, & Development Program, provides for program focus & long-term goals, provides for administration of program, requires appointment of steering committee, provides duties of steering committee, provides for disbursement of funds, provides that specified provision applies to this act, requires annual report to Legislature, provides for rules, provides for future repeal Appropriation \$2,000,000 Effective Date 07/01/2001
- 01/10/01 SENATE Prefiled
- 01/25/01 SENATE Referred to Natural Resources, Governmental Oversight and Productivity, Appropriations Subcommittee on General Government, Appropriations
- 03/06/01 SENATE Introduced, referred to Natural Resources, Governmental Oversight and Productivity; Appropriations Subcommittee on General Government, Appropriations —SJ 00025, On Committee agenda—Natural Resources, 03/07/01, 2 00 pm, 37-S
- 03/07/01 SENATE Favorable with 2 amendment(s) by Natural Resources, YEAS 8 NAYS 0 —SJ 00132
- 03/08/01 SENATE Now in Governmental Oversight and Productivity —SJ 00132
- 03/16/01 SENATE On Committee agenda—Governmental Oversight and Productivity, 03/21/01, 2 00 pm, 37-S
- 03/21/01 SENATE CS by Governmental Oversight and Productivity, YEAS 7 NAYS 0 —SJ 00221, CS read first time on 03/22/01 —SJ 00222
- 03/22/01 SENATE Now in Appropriations Subcommittee on General Government —SJ 00221
- 04/19/01 SENATE On Committee agenda—Appropriations Subcommittee on General Government, 04/24/01, upon adjournment of full committee, 301-C—Temporarily postponed
- 05/04/01 SENATE Died in Committee on Appropriations Subcommittee on General Government
- S 298 RESOLUTION by Sullivan (Identical H 9037)
- Shaken Baby Syndrome Awareness Week, recognizes week of April 22-29, 2001, as "Shaken Baby Syndrome Awareness Week"
- 01/10/01 SENATE Prefiled
- 04/25/01 SENATE Introduced —SJ 00452, Read second time —SJ 00453, Adopted. See also HR 9037 (Adopted) —SJ 00453

S 300 JOINT RESOLUTION by Silver (Identical H 1677)

- Windstorm Insurance Rate Increases, constitutional amendment to limit rate increases for windstorm insurance to 3 percent of rate for previous year & to allow Legislature, by extraordinary vote, to allow rate increases in excess of this limit Creates s 19, Art. X.
- 01/10/01 SENATE Prefiled
- 01/25/01 SENATE Referred to Banking and Insurance, Appropriations Subcommittee on General Government, Appropriations; Rules and Calendar
- 03/06/01 SENATE Introduced, referred to Banking and Insurance, Appropriations Subcommittee on General Government, Appropriations, Rules and Calendar —SJ 00026
- 03/28/01 SENATE On Committee agenda—Banking and Insurance, 04/02/01, 2 00 pm, 110-S—Discussed/Workshop
- 04/04/01 SENATE On Committee agenda—Banking and Insurance, 04/09/01, 12 00 Noon, 110-S
- 04/09/01 SENATE Favorable by Banking and Insurance, YEAS 8 NAYS 2 —SJ 00326
- 04/10/01 SENATE Now in Appropriations Subcommittee on General Government —SJ 00326
- 05/04/01 SENATE Died in Committee on Appropriations Subcommittee on General Government

S 302 GENERAL BILL/CS/1ST ENG by Appropriations; Pruitt; (CO-SPONSORS) Horne (Similar CS/1ST ENG/H 0281)

- Higher Educational Facilities, creates "Higher Educational Facilities Financing Act", provides legislative findings & declarations, creates Higher Educational Facilities Financing Authority, provides criteria for & covenants re authorization of issuance of notes & revenue bonds not obligating full faith & credit of authority, any municipality, state, or any political subdivision
- (CONTINUED ON NEXT PAGE)

HISTORY OF SENATE BILLS

S 302 (CONTINUED)

- thereof, provides for loans from revenue bonds to participating institutions, etc Amends 196 012 Effective Date 05/30/2001
- 01/10/01 SENATE Prefiled
- 01/25/01 SENATE Referred to Education, Governmental Oversight and Productivity, Finance and Taxation, Appropriations Subcommittee on Education, Appropriations
- 01/29/01 SENATE On Committee agenda—Education, 02/06/01, 3 00 pm, 412-K
- 02/06/01 SENATE Favorable by Education, YEAS 9 NAYS 0
- 02/08/01 SENATE Now in Governmental Oversight and Productivity
- 03/06/01 SENATE Introduced, referred to Education, Governmental Oversight and Productivity, Finance and Taxation, Appropriations Subcommittee on Education, Appropriations -SJ 00026, On Committee agenda—Education, 02/06/01, 3 00 pm, 412-K, Favorable by Education, YEAS 9 NAYS 0 -SJ 00008, Now in Governmental Oversight and Productivity -SJ 00008
- 03/16/01 SENATE On Committee agenda—Governmental Oversight and Productivity, 03/21/01, 2 00 pm, 37-S
- 03/21/01 SENATE Favorable with 2 amendment(s) by Governmental Oversight and Productivity, YEAS 7 NAYS 0 -SJ 00221
- 03/22/01 SENATE Now in Finance and Taxation -SJ 00221
- 03/29/01 SENATE On Committee agenda—Finance and Taxation, 04/03/01, 3 00 pm, 37-S
- 04/03/01 SENATE Favorable by Finance and Taxation, YEAS 9 NAYS 0 -SJ 00304
- 04/04/01 SENATE Now in Appropriations Subcommittee on Education -SJ 00304
- 04/05/01 SENATE On Committee agenda—Appropriations Subcommittee on Education, 04/10/01, 6 15 pm, 412-K
- 04/10/01 SENATE CS by Appropriations Subcommittee on Education, YEAS 5 NAYS 0 -SJ 00329, CS read first time on 04/18/01 -SJ 00397
- 04/11/01 SENATE Now in Appropriations -SJ 00329
- 04/18/01 SENATE Withdrawn from Appropriations with subcommittee recommendation -SJ 00395, Placed on Calendar, on second reading
- 04/26/01 SENATE Placed on Special Order Calendar -SJ 00465, Read second time -SJ 00521
- 04/30/01 SENATE Read third time -SJ 00575, Amendment(s) adopted -SJ 00575, CS passed as amended, YEAS 38 NAYS 0 -SJ 00580
- 04/30/01 HOUSE In Messages
- 05/01/01 HOUSE Received, placed on Calendar, on second reading -HJ 01433
- 05/02/01 HOUSE Placed on Special Order Calendar
- 05/03/01 HOUSE Placed on Special Order Calendar, Substituted for CS/HB 281 -HJ 01837, Read second and third times -HJ 01837, CS passed, YEAS 115 NAYS 0 -HJ 01837
- 05/03/01 SENATE Ordered enrolled -SJ 01256
- 05/16/01 Signed by Officers and presented to Governor
- 05/30/01 Approved by Governor, Chapter No 2001-79

S 304 GENERAL BILL/2ND ENG by Pruitt (Similar H 0351, Compare CS/2ND ENG/S 0444)

- Deferred Compensation Programs amends s 24 of ch 2000-2347, Laws of Florida, to revise effective date thereof, redefines term "employee," for purposes of participation in such programs, to include employees of constitutional county officers, provides for negotiation of joint deferred compensation program for certain local employees currently eligible for participation in such programs & employees of constitutional county officers, etc Amends 112 215 Effective Date 10/01/2001
- 01/10/01 SENATE Prefiled
- 01/25/01 SENATE Referred to Governmental Oversight and Productivity, Comprehensive Planning, Local and Military Affairs
- 02/05/01 SENATE On Committee agenda—Governmental Oversight and Productivity, 02/14/01, 1 00 pm, 37-S
- 02/14/01 SENATE Favorable by Governmental Oversight and Productivity, YEAS 6 NAYS 0, Now in Comprehensive Planning, Local and Military Affairs
- 03/06/01 SENATE Introduced, referred to Governmental Oversight and Productivity, Comprehensive Planning, Local and Military Affairs -SJ 00026, On Committee agenda—Governmental Oversight and Productivity, 02/14/01, 1 00 pm, 37-S, Favorable by Governmental Oversight and Productivity, YEAS 6 NAYS 0 -SJ 00008, Now in Comprehensive Planning, Local and Military Affairs -SJ 00008, On Committee agenda—Comprehensive Planning, Local and Military Affairs, 03/07/01, 2 00 pm, 309-C

S 304 (CONTINUED)

- 03/07/01 SENATE Favorable with 1 amendment(s) by— Comprehensive Planning, Local and Military Affairs, YEAS 5 NAYS 0 -SJ 00132
- 03/08/01 SENATE Placed on Calendar, on second reading -SJ 00132
- 03/21/01 SENATE Placed on Special Order Calendar -SJ 00200, Read second time -SJ 00197, Amendment(s) adopted -SJ 00197, Ordered engrossed -SJ 00197
- 03/22/01 SENATE Read third time -SJ 00217, Passed as amended, YEAS 38 NAYS 0 -SJ 00217
- 03/27/01 HOUSE In Messages
- 04/10/01 HOUSE Received, placed on Calendar, on second reading -HJ 00479
- 05/01/01 HOUSE Placed on Special Order Calendar; Retained on Calendar
- 05/03/01 HOUSE Placed on Special Order Calendar, Retained on Calendar
- 05/04/01 HOUSE Read second time -HJ 02071, Amendment(s) adopted -HJ 02071, Read third time -HJ 02073, Passed as amended, YEAS 118 NAYS 0 -HJ 02073
- 05/04/01 SENATE In returning messages, Was taken up -SJ 01864, Concurred -SJ 01866, Passed as amended, YEAS 39 NAYS 0 -SJ 01866, Ordered engrossed, then enrolled -SJ 01866
- 06/05/01 Signed by Officers and presented to Governor
- 06/19/01 Approved by Governor; Chapter No 2001-265
- S 306 GENERAL BILL/CS/CS by Appropriations; Criminal Justice; Clary; (CO-SPONSORS) Smith (Similar CS/H 1765, Compare CS/1ST ENG/H 0245, CS/S 0388)
- Public Protection requires that state attorney & victim's parent, guardian, next of kin, or lawful representative be notified under certain circumstances after inmate who committed crime is approved for community work release, requires victim's parent, guardian, or representative be allowed to be informed, present, & heard in criminal or juvenile proceeding, requires notice when inmate is approved for community work release, etc Amends FS Effective Date 07/01/2001
- 01/10/01 SENATE Prefiled
- 01/25/01 SENATE Referred to Criminal Justice, Appropriations Subcommittee on Public Safety and Judiciary, Appropriations
- 03/06/01 SENATE Introduced, referred to Criminal Justice, Appropriations Subcommittee on Public Safety and Judiciary, Appropriations -SJ 00026
- 03/20/01 SENATE On Committee agenda—Criminal Justice, 03/26/01, 3 00 pm, 37-S
- 03/26/01 SENATE CS by Criminal Justice, YEAS 6 NAYS 0 -SJ 00271, CS read first time on 03/29/01 -SJ 00272
- 03/28/01 SENATE Now in Appropriations Subcommittee on Public Safety and Judiciary -SJ 00271
- 04/05/01 SENATE On Committee agenda—Appropriations Subcommittee on Public Safety and Judiciary, 04/10/01, 6 15 pm, 42-S
- 04/10/01 SENATE CS/CS by Appropriations Subcommittee on Public Safety and Judiciary, YEAS 5 NAYS 0 -SJ 00357, CS read first time on 04/18/01 -SJ 00398
- 04/12/01 SENATE Now in Appropriations -SJ 00357
- 04/18/01 SENATE Withdrawn from Appropriations with subcommittee recommendation -SJ 00368, Placed on Calendar, on second reading
- 04/25/01 SENATE Placed on Special Order Calendar -SJ 00465, Read second time -SJ 00464
- 04/27/01 SENATE Read third time -SJ 00557, CS passed, YEAS 34 NAYS 0 -SJ 00557
- 04/30/01 SENATE Immediately certified -SJ 00640
- 04/30/01 HOUSE In Messages
- 05/03/01 HOUSE Received, placed on Calendar, on second reading -HJ 01832, Read second time -HJ 01912, Amendment(s) failed -HJ 01913, Read third time -HJ 01914, CS passed, YEAS 114 NAYS 0 -HJ 01914
- 05/03/01 SENATE Ordered enrolled -SJ 01256
- 05/29/01 Signed by Officers and presented to Governor
- 06/13/01 Approved by Governor; Chapter No 2001-209, See also CS/HB 245 (Ch 2001-124)

S 308 GENERAL BILL/1ST ENG by Saunders (Compare CS/CS/H 0273, H 0439, H 1531, S 1302, S 1982)

- Political Committee modifies definition of "political committee" Amends 106 011 Effective Date. Upon becoming law
- 01/10/01 SENATE Prefiled
- 01/25/01 SENATE Referred to Ethics and Elections
- 01/29/01 SENATE On Committee agenda—Ethics and Elections, 02/07/01, 1 00 pm, 412-K—Temporarily postponed

HISTORY OF HOUSE BILLS

H 277 (CONTINUED)

- 03/06/01 HOUSE Introduced, referred to Education Innovation (LLC), Fiscal Policy & Resources (FRC), Council for Lifelong Learning -HJ 00030, On Committee agenda—Education Innovation (LLC), 02/06/01, 9 00 am Morris Hall, Favorable with 4 amendment(s) by Education Innovation (LLC), YEAS 14 NAYS 0 -HJ 00077, Now in Fiscal Policy & Resources (FRC) -HJ 00077, On Committee agenda—Fiscal Policy & Resources (FRC), 02/09/01, 9 00 am, 214-C, Favorable by Fiscal Policy & Resources (FRC), YEAS 12 NAYS 0 -HJ 00078, Now in Council for Lifelong Learning -HJ 00078, On Council agenda—Council for Lifelong Learning, 02/21/01, 9 00 am, Reed Hall, CS by- Council for Lifelong Learning, YEAS 15 NAYS 0 -HJ 00076, CS read first time on 03/06/01 -HJ 00075, Pending review of CS under Rule 6 -HJ 00076, Placed on Calendar, on second reading -HJ 00076
- 03/07/01 HOUSE Placed on Special Order Calendar, Read second time -HJ 00125
- 03/08/01 HOUSE Read third time -HJ 00143, CS passed, YEAS 116 NAYS 0 -HJ 00143
- 03/21/01 SENATE In Messages
- 03/23/01 SENATE Received, referred to Education, Children and Families, Appropriations Subcommittee on Health and Human Services, Appropriations -SJ 00231
- 05/02/01 SENATE Withdrawn from Education, Children and Families, Appropriations Subcommittee on Health and Human Services, Appropriations -SJ 00840, Substituted for SB 1278 -SJ 00840, Read second time -SJ 00840, Amendment(s) adopted -SJ 00841
- 05/03/01 SENATE Read third time -SJ 00975, CS passed as amended, YEAS 39 NAYS 0 -SJ 00975
- 05/03/01 HOUSE In returning messages
- 05/04/01 HOUSE Concurred -HJ 02048, CS passed as amended, YEAS 119 NAYS 0 -HJ 02048, Ordered engrossed, then enrolled -HJ 02048
- 05/18/01 Signed by Officers and presented to Governor
- 06/01/01 Approved by Governor, Chapter No 2001-149
- H 279 GENERAL BILL/CS by Education Appropriations (FRC); Lynn, (CO-SPONSORS) Atwater; Murman; Wilson; Mayfield; Rich; Justice, Fiorentino; Arza; Gottlieb; Frankel; Bucher; Sorensen; Wiles; Gannon; Baxley; Byrd; Negron; Kallinger; Waters; Bowen; Bennett (Similar CS/S 0666)**
Barry Grunow Act creates "Barry Grunow Act", provides death benefits re certain teachers & school administrators, provides for payment of certain health insurance premiums, provides for waiver of certain educational expenses for children of certain deceased teachers & school administrators, provides that teacher & school administrator death benefits are exempt property under Fla Probate Code, provides for funding, etc Creates 112 1915, amends 732 402 Effective Date 06/07/2001
- 01/25/01 HOUSE Prefiled
- 01/26/01 HOUSE Referred to General Education (LLC), Education Appropriations (FRC), Council for Lifelong Learning
- 01/29/01 HOUSE On Committee agenda—General Education (LLC), 02/06/01, 9 00 am, 306-H
- 02/06/01 HOUSE Favorable with 1 amendment(s) by General Education (LLC), YEAS 13 NAYS 0
- 02/07/01 HOUSE Now in Education Appropriations (FRC), On Committee agenda—Education Appropriations (FRC), 02/09/01, 9 00 am, 212-K
- 02/09/01 HOUSE CS by Education Appropriations (FRC), YEAS 14 NAYS 0
- 02/16/01 HOUSE Pending review of CS under Rule 6
- 02/20/01 HOUSE Now in Council for Lifelong Learning
- 02/21/01 HOUSE On Council agenda—Council for Lifelong Learning, 02/21/01, 9 00 am, Reed Hall, Favorable by- Council for Lifelong Learning, YEAS 15 NAYS 0
- 02/22/01 HOUSE Placed on Calendar, on second reading

H 279 (CONTINUED)

- 03/06/01 HOUSE Introduced, referred to General Education (LLC), Education Appropriations (FRC), Council for Lifelong Learning -HJ 00030, On Committee agenda—General Education (LLC), 02/06/01, 9 00 am, 306-H, Favorable with 1 amendment(s) by General Education (LLC) YEAS 13 NAYS 0 -HJ 00077, Now in Education Appropriations (FRC) -HJ 00077, On Committee agenda—Education Appropriations (FRC), 02/09/01, 9 00 am, 212-K, CS by Education Appropriations (FRC), YEAS 14 NAYS 0 -HJ 00078, CS read first time on 03/06/01 -HJ 00075, Pending review of CS under Rule 6 -HJ 00078, Now in Council for Lifelong Learning -HJ 00078, On Council agenda—Council for Lifelong Learning, 02/21/01, 9 00 am, Reed Hall, Favorable by- Council for Lifelong Learning, YEAS 15 NAYS 0 -HJ 00076, Placed on Calendar, on second reading -HJ 00076
- 03/07/01 HOUSE Placed on Special Order Calendar, Read second and third times -HJ 00121, CS passed, YEAS 120 NAYS 0 -HJ 00121
- 03/09/01 SENATE In Messages
- 03/14/01 SENATE Received, referred to Education, Governmental Oversight and Productivity, Appropriations Subcommittee on Education, Appropriations -SJ 00147
- 04/18/01 SENATE Withdrawn from Education, Governmental Oversight and Productivity, Appropriations Subcommittee on Education, Appropriations -SJ 00374, Substituted for CS/SB 866 -SJ 00374, Read second time -SJ 00374
- 04/19/01 SENATE Read third time -SJ 00411, CS passed, YEAS 39 NAYS 0 -SJ 00411
- 04/20/01 HOUSE Ordered enrolled -HJ 00536
- 05/23/01 Signed by Officers and presented to Governor
- 06/07/01 Approved by Governor, Chapter No 2001-180
- H 281 GENERAL BILL/CS/1ST ENG by Colleges & Universities (LLC); Alexander; (CO-SPONSORS) Lynn (Similar CS/1ST ENG/S 0302)**
Higher Educational Facilities creates "Higher Educational Facilities Financing Act", creates Higher Educational Facilities Financing Authority, provides criteria for & covenants re authorization of issuance of notes & revenue bonds not obligating full faith & credit of authority, any municipality, state, or any political subdivision thereof, provides for loans from revenue bonds to participating institutions, provides for tax exemption, etc Amends 196.012 Effective Date Upon becoming law
- 01/26/01 HOUSE Prefiled
- 02/06/01 HOUSE Referred to Colleges & Universities (LLC), Fiscal Policy & Resources (FRC), Council for Lifelong Learning
- 03/06/01 HOUSE Introduced, referred to Colleges & Universities (LLC), Fiscal Policy & Resources (FRC), Council for Lifelong Learning -HJ 00030
- 03/22/01 HOUSE On Committee agenda—Colleges & Universities (LLC), 03/26/01, 2 45 pm, Reed Hall
- 03/28/01 HOUSE CS by Colleges & Universities (LLC), YEAS 11 NAYS 0 -HJ 00475
- 04/04/01 HOUSE CS read first time on 04/04/01 -HJ 00472, Pending review of CS under Rule 6 -HJ 00475, Now in Fiscal Policy & Resources (FRC) -HJ 00475
- 04/09/01 HOUSE On Committee agenda—Fiscal Policy & Resources (FRC), 04/11/01, 10 45 am, 214-C
- 04/11/01 HOUSE Favorable by Fiscal Policy & Resources (FRC), YEAS 11 NAYS 0 -HJ 00516
- 04/12/01 HOUSE Now in Council for Lifelong Learning -HJ 00516
- 04/13/01 HOUSE On Council agenda—Council for Lifelong Learning, 04/17/01, 4 00 pm, Morris Hall
- 04/17/01 HOUSE Favorable with 1 amendment(s) by- Council for Lifelong Learning, YEAS 12 NAYS 0 -HJ 00547
- 04/19/01 HOUSE Placed on Calendar, on second reading -HJ 00547
- 04/25/01 HOUSE Placed on Special Order Calendar, Retained on Calendar
- 04/26/01 HOUSE Placed on Special Order Calendar, Retained on Calendar
- 04/27/01 HOUSE Placed on Special Order Calendar, Read second time -HJ 01371, Amendment(s) adopted -HJ 01372
- 05/03/01 HOUSE Senate Bill substituted, Laid on Table, Link/Iden/Sim/Compare passed, refer to CS/SB 302 (Ch 2001-79) -HJ 01837
- H 283 GENERAL BILL by Kosmas; (CO-SPONSORS) Gottlieb (Similar S 0148)**
Children's Health Advisory Committee provides legislative findings & intent, provides definitions, provides for appointment of Children's Health & Environmental Protection Advisory Committee, provides for organization & meetings & for termination of said committee, provides for staff support by DEP, provides for reimbursement of members' per diem & travel expenses, (CONTINUED ON NEXT PAGE)

[state GOVERNMENTAL OVERSIGHT...]

COMMITTEE APPEARANCE RECORD
(Submit to Committee Chairman or Secretary)

3/21/01
(date)

SB 302
(Bill No.)

Name BOB BOYD

Address PO BOX 1535 TALL HILL 32312

Representing ICUF GENERAL COUNSEL

Lobbyist (Registered with Senate) Yes No

Speaking: For Against Information

Subject Higher Education Facilities Financing Authority

If state employee-- Time: from _____ .m. to _____ .m.

(State employees are required to file the first copy of this form with Committee Chairman unless appearance is requested by chairman as a witness or for informational purposes.)



COUNCIL/COMMITTEE APPEARANCE RECORD

Bill No HB 281 Date 3/26/01

Name BOB BOYD

Title ICUF GENERAL COUNSEL

Address PO BOX 10555

City TALL State/Zip FL 32302

Phone Number 222-3471

Representing ICUF (INDEP COLLEGES + UNIV OF FLA)

Lobbyist (registered) Yes No

State Employee Yes No

I wish to speak

Proponent

I have been requested to speak

Opponent

Information

Subject matter Higher Educ Facilities Financing Auth.

Council/Committee House C+U

If you are appearing at the request of the Chair, you must get signature of the Chair before leaving

Appearing at request of Chair

Approved by _____ Chair

Copies to
 Original - Council/Committee
 Copy - Person requested to appear

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL CS/SB 302

SPONSOR: Appropriations Subcommittee on Education, Senator Pruitt and others

SUBJECT: Financing for Private Higher Education Institutions

DATE: April 11, 2001

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>White</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable</u>
2.	<u>Wilson</u>	<u>Wilson</u>	<u>GO</u>	<u>Fav/2 amendments</u>
3.	<u>Fournier</u>	<u>Johansen</u>	<u>FT</u>	<u>Favorable</u>
4.	<u>McKee</u>	<u>Hickam</u>	<u>AED</u>	<u>Favorable/CS</u>
5.	_____	_____	<u>AP</u>	_____

I. Summary:

CS/SB 302 creates a public corporation called the Higher Education Facilities Financing Authority to finance projects of private, not-for-profit higher education institutions. The effect will be to create a statewide method for private colleges to obtain tax-exempt financing under a uniform set of rules and standards, rather than the varying rules adopted by local authorities.

Projects may be for operational costs or for construction of facilities or other capital expenditures. The authority will be placed in the Department of Education (DOE) for administrative purposes; the Governor will appoint the members. The authority may issue tax exempt or taxable revenue bonds, has contractual powers, and may execute loans, leases, and other legal instruments. It may acquire real estate. Bonds issued by the authority are incontestable and do not constitute a debt or liability of the authority, the state, or any political subdivision of the state. Bonds issued by the authority and any security for the bonds are exempt from taxes except corporate income taxes imposed under ch. 220, F.S.

This bill creates 30 new sections of the Florida Statutes and amends s. 196.012, F.S.

II. Present Situation:

Counties Higher Education Facilities Authorities Law— Sections 243.18-243.40, F.S., govern conditions under which counties may establish education facilities authorities. These authorities may be established to meet the need for educational facilities or projects at the institutions for higher education within the county. The laws establish conditions under which educational facilities projects may be operated, including the issuance of bonds. The definition of a project in s. 243.20, F.S., includes the operation of an institution for higher education as well as a structure. Section 243.33, F.S., provides that "neither the authority nor its agent shall be required to pay any taxes or assessments upon or in respect of a project or any property acquired or used by the

authority or its agents under the provision of this part or upon the income therefrom, and any bonds issued under the provisions of this part, their transfer, and the income therefrom, including any profit from the sale thereof, shall at all times be free from taxation of every kind by the state, the county and by the municipalities.”

The 1999 Legislature amended ss. 243.20 and 243.22, F.S., to include the term “loan in anticipation of tuition revenues” by an institution for higher education in the definition of “project,” to provide another avenue for nonpublic higher education institutions to issue bonds or take out loans to fund operational costs as well as costs for construction or equipment. A loan in anticipation of tuition revenue is one of a list of authorized loans.

The phrase “loan in anticipation of tuition revenues” means:

a loan to an 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, F.S., excluding provisions applicable to the limitations on borrowing relating to the levy of taxes and the adoption of budgets in accordance with law applicable solely to school districts.

→ According to staff of the Independent Colleges and Universities of Florida, the counties higher education facilities authorities have experienced problems with projects for construction as well as operations. Little activity has resulted from the increased authority granted by the 1999 amendments. Nonpublic institutions for higher education have used the anticipation of tuition income to back up loans and bond issues to fund construction projects, but they have been denied loans based on tuition income to pay operational costs. ←

Section 196.012, F.S., defines “educational institution” as a federal, state, parochial, church, or private school, college, or university conducting regular classes and courses of study required for eligibility to certification by, accreditation to, or membership in the State Department of Education of Florida, Southern Association of Colleges and Schools, or the Florida Council of Independent Schools; a nonprofit private school the principal activity of which is conducting regular classes and courses accepted for continuing postgraduate dental education credit by a board of the Division of Medical Quality Assurance; educational direct-support organizations created pursuant to ss. 229.8021, 240.229, and 240.331; and facilities located on property of eligible entities which will become owned by those entities on a date certain. Section 196.198, F.S., provides that educational institutions within this state and their property used by them or by any other exempt entity or educational institution exclusively for educational purposes shall be exempt from taxation.

Paragraph (a) of Section 3, Article VII of the Florida Constitution provides that “(s)uch portions of property as are used predominantly for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.”

[Senate Governmental Oversight and Productivity Committee]

COMMITTEE APPEARANCE RECORD
(Submit to Committee Chairman or Secretary)

4-25-00
(date)

SB 1450
(Bill No.)

Name BOB BOYD SUITE 900

Address 106 E. COLLEGE AVE TALL FL 32301

Representing ICUF (INDEP. COLLEGES & UNIVERSITIES OF FLA.)

Lobbyist (Registered with Senate) Yes No

Speaking: For Against Information

Subject TO ANSWER ANY QUESTIONS

If state employee-- Time: from _____ .m. to _____ .m.

(State employees are required to file the first copy of this form with Committee Chairman unless appearance is requested by chairman as a witness or for informational purposes.)



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Associates, Inc.**

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Tallahassee, Florida 32302-3144
(850) 878-0188
(850) 656-2126 (telecopier)

July 10, 2001

Sent Via FAX to (305) 358-1418

Monica Wilson
Steel, Hector & Davis
200 S. Biscayne Blvd.
Suite 4000
Miami, FL 33131-2398

RE: Legislative History Research, Laws of Florida, 2001, Chapter 2001-79, "Higher Educational Facilities Financing Act". (FIA Job No. 2001251) (Client Ref: UofM)

Dear Monica,

This is in response to your request of July 3, 2001 regarding the above referenced research. You specifically requested information about who or what group was behind this legislation. Although I have given you verbal updates on this research, I think it is appropriate that I give you a more formal report of my research findings.

This law passed as CS/SB 302 of the 2001 Regular Session. This bill was considered by four Senate Committees: Education, Governmental Oversight and Responsibility, Finance and Taxation, and Appropriations (Sub-Committee on Education). In the House, similar bill CS/HB 281 was considered by three committees: Colleges and Universities, Fiscal Policy, and the Council on Lifelong Learning. I queried each of these committees and the only person who appeared on behalf of this legislation was Bob Boyd, General Counsel for the Independent Colleges and Universities of Florida (Mr. Boyd is also an attorney with the firm Akerman, Senterfit here in Tallahassee). I obtained copies of some of the committee appearance cards for these bills, copies of which are enclosed.

In talking with Barbara White of the Senate Education Committee, I discovered that this legislation actually began in the 2000 Regular Session as CS/CS/SB 1450 and CS/HB 1827. None of these bills passed. I located a Senate Governmental Oversight Committee appearance card for Mr. Boyd on SB 1450, dated 4/25/00, where he stated his reason for appearing was "to answer any questions". This could lead one to assume that it was his group that was the principal author of the bill. Additionally, the Senate Staff Analysis of CS/SB 302 (2001) dated 4/11/01,

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5.	_____	_____	<u>AP</u>	_____

I. Summary:

CS/SB 302 creates a public corporation called the Higher Education Facilities Financing Authority to finance projects of private, not-for-profit higher education institutions. The effect will be to create a statewide method for private colleges to obtain tax-exempt financing under a uniform set of rules and standards, rather than the varying rules adopted by local authorities

Projects may be for operational costs or for construction of facilities or other capital expenditures. The authority will be placed in the Department of Education (DOE) for administrative purposes; the Governor will appoint the members. The authority may issue tax exempt or taxable revenue bonds, has contractual powers, and may execute loans, leases, and other legal instruments. It may acquire real estate. Bonds issued by the authority are incontestable and do not constitute a debt or liability of the authority, the state, or any political subdivision of the state. Bonds issued by the authority and any security for the bonds are exempt from taxes except corporate income taxes imposed under ch. 220, F.S.

This bill creates 30 new sections of the Florida Statutes and amends s. 196 012, F.S.

II. Present Situation:

Counties Higher Education Facilities Authorities Law— Sections 243 18-243.40, F.S., govern conditions under which counties may establish education facilities authorities. These authorities may be established to meet the need for educational facilities or projects at the institutions for higher education within the county. The laws establish conditions under which educational facilities projects may be operated, including the issuance of bonds. The definition of a project in s. 243.20, F.S., includes the operation of an institution for higher education as well as a structure. Section 243 33, F.S., provides that "neither the authority nor its agent shall be required to pay any taxes or assessments upon or in respect of a project or any property acquired or used by the

authority or its agents under the provision of this part or upon the income therefrom, and any bonds issued under the provisions of this part, their transfer, and the income therefrom, including any profit from the sale thereof, shall at all times be free from taxation of every kind by the state, the county and by the municipalities ”

The 1999 Legislature amended ss. 243.20 and 243.22, F.S., to include the term “loan in anticipation of tuition revenues” by an institution for higher education in the definition of “project,” to provide another avenue for nonpublic higher education institutions to issue bonds or take out loans to fund operational costs as well as costs for construction or equipment. A loan in anticipation of tuition revenue is one of a list of authorized loans.

The phrase “loan in anticipation of tuition revenues” means:

a loan to an 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, F.S., excluding provisions applicable to the limitations on borrowing relating to the levy of taxes and the adoption of budgets in accordance with law applicable solely to school districts.

According to staff of the Independent Colleges and Universities of Florida, the counties higher education facilities authorities have experienced problems with projects for construction as well as operations. Little activity has resulted from the increased authority granted by the 1999 amendments. Nonpublic institutions for higher education have used the anticipation of tuition income to back up loans and bond issues to fund construction projects, but they have been denied loans based on tuition income to pay operational costs.

Section 196.012, F.S., defines “educational institution” as a federal, state, parochial, church, or private school, college, or university conducting regular classes and courses of study required for eligibility to certification by, accreditation to, or membership in the State Department of Education of Florida, Southern Association of Colleges and Schools, or the Florida Council of Independent Schools; a nonprofit private school the principal activity of which is conducting regular classes and courses accepted for continuing postgraduate dental education credit by a board of the Division of Medical Quality Assurance; educational direct-support organizations created pursuant to ss. 229.8021, 240.229, and 240.331; and facilities located on property of eligible entities which will become owned by those entities on a date certain. Section 196.198, F.S., provides that educational institutions within this state and their property used by them or by any other exempt entity or educational institution exclusively for educational purposes shall be exempt from taxation.

Paragraph (a) of Section 3, Article VII of the Florida Constitution provides that “(s)uch portions of property as are used predominantly for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.”

III. Effect of Proposed Changes:

The legislation under consideration will provide for a public corporation called the Higher Education Facilities Financing Authority to finance projects of private, not-for-profit higher education institutions. Projects may be for operational costs or for construction of facilities or other capital expenditures. The authority will be placed in the DOE for administrative purposes; the Governor will appoint the members who are subject to senate confirmation. The authority may issue tax exempt or taxable revenue bonds, has contractual powers, and may execute loans, leases, and other legal instruments. It may acquire real estate. Bonds issued by the authority are incontestable and do not constitute a debt or liability of the authority, the state, or any political subdivision of the state. Bonds issued by the authority and any security for the bonds are exempt from taxes except corporate income taxes imposed under ch. 220, F.S.

The bill's drafting convention makes it difficult to summarize. The following section-by-section analysis highlights the key provisions and any elements that may evoke discussion by interested parties.

Section 1. Title.--Higher Education Facilities Financing Act.

Section 2. Findings.--It is essential for private institutions of higher education to assist youth to develop their intellectual and mental capacities. It is essential to enable private institutions to provide facilities and structures and to coordinate their budgetary needs with the timing of receipt of tuition revenues.

Section 3. Definitions --Several terms are provided definitions that differ from their plain meaning.

The definition of "institution of higher education" limits the term to nonpublic, nonprofit, institutions.

The word "project" also has a broad definition and includes a loan in anticipation of tuition revenues.

The definition of the word "cost" uses the word "cost" (or its plural, "costs") nine times in a list that includes financing charges, and interest before, during, and for 30 months after completion of construction. A special definition is provided for the use of the word in the case of a loan in anticipation of tuition revenue: it does not exceed the amount of tuition revenues anticipated for the 1-year period following the date of the loan.

Section 4. Creation of the Authority --The authority consists of five members to be appointed by the Governor to 5-year staggered terms. Senate confirmation is provided. One member will be a trustee, director, officer, or employee of an institution of higher education. The authority annually elects one of its members as chair and one as vice chair, and also appoints an executive director who is not a member of the authority and who serves at the pleasure of the authority and receives compensation as fixed by the authority. The duties of the executive director may be discharged under a contract with the Independent Colleges and Universities of Florida.

The authority is assigned to the DOE for administrative purposes; however, no general revenue funds may be expended for administrative costs or expenses of the authority.

Section 5. Powers of Authority.--The authority has all the powers granted to corporations under ch. 607, F.S., the Florida Business Corporation Act. Among the specific powers listed in the bill, the following are notable. The authority may:

- Execute financing agreements, leases, as lessee or as lessor, contracts, and deeds
- Enter into interlocal agreements in the manner provided in section 163.01, F.S.
- Issue bonds, bond anticipation notes, and other obligations to pay the cost of any project, and to fund or refund the cost of any project.
- Fix and revise and charge and collect rates, rents, fees, and charges for the use of a project.
- Employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers, and other employees and agents, and fix their compensation.
- Mortgage any project for the benefit of the holders of revenue bonds issued to finance projects or those providing credit.
- Make loans to any participating institution of higher education for the cost of a project, including a loan in anticipation of tuition revenues; but no loan may exceed the total cost of the project as determined by the participating institution of higher education.
- Charge participating institutions for the administrative costs and expenses of the authority.

Section 6. Payment of expenses.--No liability or obligation may be incurred by the authority beyond the extent to which moneys have been provided. Section 5. of the bill provides that the authority may charge the institutions for administrative costs and expenses.

Section 7. Acquisition of real property.--The authority may directly, or through a participating institution, acquire by purchase or lease any lands, structures, property, real or personal, rights, rights-of-way, franchises, easements, and other interests in lands, including lands lying underwater, and riparian rights, which are located within or outside the state for the construction or operation of a project, upon terms and at prices as are considered by it to be reasonable and that can be agreed upon between it and the owner. This acquisition may be accomplished solely from funds provided under the bill or by gift.

Section 8. Conveyance of title.--When bonds on a project have been fully retired, the authority must convey title to the project to the participating institution.

Section 9. Criteria and requirements.--The bill provides four requirements that a project must meet to be financed by the authority. However, the bill also says that the authority may determine whether the project has complied with the criteria and requirements:

- The project must make a significant contribution to the purposes of the authority and serve a public purpose by advancing the prosperity and general welfare of the state and its people.
- The authority may not enter into a financing agreement with a participating institution that is not financially responsible. In determining the financial responsibility of the participating institution, the authority must consider its ratio of current assets to current liabilities; net

worth; endowments; pledges; earning trends; coverage of all fixed charges; the nature of the project involved; its inherent stability; any guarantee of the obligations by some other financially responsible corporation, firm, or person; and means by which the bonds are to be marketed to the public

- The authority must require the owner or the lessee to incur the expense of the operation, repair, and maintenance of the project and for the payment of principal of and interest on the bonds
- The costs to be paid from the proceeds of the bonds are costs of a project, except for payments included in the purposes for which revenue refunding bonds may be issued. Revenue refunding bonds are governed by section 24 of the bill.

Section 10. Approval to issue bonds.--The Governor may approve any bonds that require approval under federal law.

Section 11. Agreements of sale, lease, or loan.--The authority may not operate a project it finances except temporarily to protect its interest pending lease or sale of the project. The agreement to lease, sell, or loan a project may provide that:

- The owner or lessee will at its own expense operate, repair, and maintain the project
- The payments or rent payable will be sufficient to pay all of the interest, principal, and redemption premiums on the bonds that will be issued.
- The owner or lessee will pay all other costs incurred in connection with the financing, construction, and administration of the project, except what is paid out of the proceeds of bonds, including insurance costs, the cost of administering the bond resolution authorizing the bonds and any trust agreement securing the bonds, and the fees and expenses of the authority, trustees, paying agents, attorneys, consultants, and others.
- The term of an agreement will not terminate before all bonds and all other obligations incurred by the authority are paid in full unless adequate funds for payment are deposited in trust.
- The owner or lessee's obligation to make payments or rent may not be canceled until payment of the bonds or provision for payment is made.

Section 12. Notes of authority.--The authority may issue its negotiable notes for any corporate purpose. All the notes must be payable from the revenues of the project to be financed.

Section 13. Revenue bonds.--The authority may issue its negotiable revenue bonds and negotiable bond anticipation notes and may renew them. The maximum maturity of any note may not exceed 5 years from the date of issue of the original note.

The revenue bonds and notes of every issue must be payable solely out of revenues of the authority.

Revenue bonds may be serial bonds or term bonds or both. The revenue bonds or notes may be sold at public or private sale for the price the authority determines, notwithstanding any limitation in other laws relating to the maximum interest rate permitted for bonds or limitations on the manner by which bonds are sold.

Neither the members of the authority nor any person executing the revenue bonds or notes is liable personally on the revenue bonds or notes. The authority may purchase its bonds or notes. The authority may hold, pledge, cancel, or resell the bonds, subject to agreements with bondholders. The authority may enter into interest rate swap agreements, collars, caps, forward securities purchase agreements, delayed delivery bond purchase agreements, and any other financial agreements.

Bonds may be issued without obtaining the consent of any department, division, commission, board, body, bureau, or agency of the state or any local government.

Section 14. Reporting requirement.--The authority must supply the Division of Bond Finance of the State Board of Administration with a copy of the report required in s. 103 of the Internal Revenue Code of 1954, as amended, at the times required under that section.

Section 15. Covenants.--Covenants with bondholders are authorized and constitute valid and legally binding contracts. The list of covenants authorized includes:

- The disposition of the bond proceeds,
- The use and disposition of project revenues,
- The pledging of revenues and assessments,
- The obligations of the authority to operate the project and maintain adequate revenues,
- The issuance of additional bonds,
- The appointment, powers, and duties of trustees and receivers,
- The acquisition of outstanding bonds and obligations,
- Restrictions on establishing competing projects or facilities and the sale or disposal of the assets and property of the authority,
- The maintenance of deposits to assure the payment of the bonds, and
- Acceleration upon default.

Section 16. Validity of bonds.--Any bonds issued by the authority are incontestable in the hands of bona fide purchasers or holders for value and are not invalid because of any irregularity or defect in the proceedings for the issue and sale.

Section 17. Full authority.--The authority accepts full authority to issue bonds. Any bonds issued by the authority are not secured by the full faith and credit of the state and do not constitute an obligation of the state.

Section 18. Security of bondholders.--This section permits the revenue bonds to be secured by a trust agreement between the authority and a trust company or bank.

Section 19. Payment of bonds.--This section restates the assurances of section 17. of the bill and requires the bonds to contain on their face a statement that neither the authority, any municipality, the state, nor any political subdivision thereof is obligated to pay the bond or the interest thereon except from revenues of the project, and that neither the faith and credit nor the taxing power of

the authority, any municipality, the state, or any political subdivision thereof is pledged to the payment of the principal of or the interest on the bonds.

Section 20. Rates, rents, fees, and charges.--This section permits the authority to charge fees for any services furnished by a project and to contract for the collection of fees. It authorizes fees for operating the project, to pay the principal and interest on revenue bonds, and to maintain reserves required by the revenue bonds.

This section also includes requirements for the authority's use of sinking funds: The authority may provide that the sinking fund be the fund for a particular project and for the revenue bonds issued to finance a particular project. It may also issue revenue bonds having a subordinate lien, in that case, the authority may create separate sinking funds in respect of the subordinate lien bonds.

Section 21. Trust Funds.--This section provides that all moneys received as proceeds from the sale of bonds or as revenues are considered trust funds. If the authority deposits money in a bank, the bank acts as trustee of the money.

Section 22. Remedies of bondholders.--Any holder of revenue bonds and the trustee under any trust agreement may enforce the performance of the duties required by the resolution or trust agreement. These duties include the fixing, charging, and collecting of the rates, rents, fees, and charges. This enforcing may be by suit or other proceedings.

Section 23. Tax exemption.--This section provides for certain tax exemptions for the authority, its agents, and the educational institutions for which it provides financing. Those parties will be exempt from "any taxes or assessments upon or in respect to" projects, as defined in Section 3 of the bill, and any property "acquired or used by the authority or its agent," financed under the bill's provisions. They will also be exempt from any tax on income from those projects. Bonds issued according to the bill, any security for those bonds, the transfer of the bonds, and the income from the bonds (including profit on their sale) will be exempt from any kind of taxation by the state and its political subdivisions. The exemption will not extend to any income tax imposed on corporate holders of the bonds under ch. 220, F.S. This is very similar to the tax exemption granted to counties higher education facilities authorities under s 243.33, F.S.

Section 24. Refunding bonds.--This section permits the authority to issue revenue bonds to refund outstanding revenue bonds of the authority. The permission includes the payment of any redemption premium and any interest accrued and for paying the cost of constructing additions, improvements, extensions, or enlargements of a project.

Section 25. Legal investment.--Bonds issued by the authority are made securities in which all public officers and public bodies may invest funds. The bonds may be deposited with any state or municipal officer for any purpose authorized by law.

Section 26. Reports.--Within the first 90 days of each calendar year, the authority will make a report to the Department of Education of its activities for the preceding calendar year. Each report must include an operating and financial statement covering its operations during the year. At least

once a year, the authority will have an audit of its books and accounts by a certified public accountant.

Section 27. State agreement.--The state will not limit or alter the rights vested in the authority until the obligations are fully met and the contracts are fully performed.

Section 28. Alternative means.--This section provides assurance that the authority may use permissions provided by other laws to carry out its responsibilities. However, if it chooses to use the laws created by this act, it is not subject to the supervision or regulation of, and it does not require the approval or consent of, any municipality or political subdivision or any commission, board, body, bureau, official, or agency of the state.

Section 29. Liberal construction.--The act must be liberally construed.

Section 30. Act controlling.--The act controls if it is inconsistent with any general statute or special act

Section 31. The bill amends s. 196.012, F.S., to add institutions of higher education as defined by this act to the definition of educational institution for *ad valorem* tax purposes.

Section 32. Provides an effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Ordinarily, the *ad valorem* tax exemption provided by sections 23. and 31. of the bill would require a two-thirds vote of the Legislature, under Art. VII, s. 18(b), of the Florida Constitution: *Except upon approval of each house of the legislature by two-thirds of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenues in the aggregate, as such authority exists on February 1, 1989.* Where the property to be acquired would have been tax exempt because of its predominant use for an educational purpose, this bill would not decrease local revenue. The likely revenue of this bill has not been estimated.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

Section 23 provides for certain tax exemptions for the authority, its agents, and the educational institutions for which it provides financing. Those parties will be exempt from “any taxes or assessments upon or in respect to” projects, as defined in Section 3. of the bill, and any property “acquired or used by the authority or its agent,” financed under the bill’s provisions. They will also be exempt from any tax on income from those projects. Bonds issued according to the bill, any security for those bonds, the transfer of the bonds, and the income from the bonds (including profit on their sale) will be exempt from any kind of taxation by the state and its political subdivisions. The exemption will not extend to any income tax imposed on corporate holders of the bonds under ch. 220, F.S. This language is similar to the tax exemptions provided in current law to counties higher education facilities authorities under s. 243.33, F.S, and to the extent that the new authority replaces the existing county authorities this bill would not create new tax exemptions Adding “institutions of higher education” as defined by this bill, to the definition of educational institution for *ad valorem* tax purposes in s. 196.012, F.S., could allow property appraisers to consider additional properties for exemption; however, these properties will be required to meet the predominant use test required by the Florida Constitution. The revenue impact of this bill has not been estimated.

B. Private Sector Impact:

Independent nonprofit education institutions will have an opportunity to finance projects for operational costs and facilities construction through the authority, in addition to other avenues such as regular loans or bond financing through Counties Higher Educational Facilities Authorities.

The bill requires that each participating institution maintain financial sufficiency. This would appear to preclude the issuance of any general purpose debt which could be used for an institution unable to meet minimum requirements with that debt cross-subsidized by the other participants.

C. Government Sector Impact:

The members of the authority are not salaried, but are eligible for reimbursement for travel and per diem. Funds will also be needed to support the executive director function. The Higher Educational Facilities Financing Authority is assigned to the Department of Education for administrative purposes; however, the bill specifies that no general revenue funds may be used for administrative costs and expenses of the authority. The bill allows the authority to charge participating institutions for such administrative costs and expenses.

VI. Technical Deficiencies:

None.

VII. Related Issues:

On March 1, 2001 the Division of Bond Finance reported the results of a 10-year survey of similar funding devices used for non-public educational institutions. Over that period local governments engaged in 74 bond issuances on behalf of public and private schools. Many of the issuances were concentrated in Miami-Dade, Pinellas, Hillsborough, and Orange Counties. Industrial development as well as educational facilities authorities statutes were used for this debt issuance. At least one of these issuers defaulted on its obligations (Leon County).

There are 27 institution members of the Independent Colleges and Universities of Florida. Under Florida law they are required to be licensed by a unit of the Florida Department of Education, the State Board of Independent Colleges and Universities. That Board licenses a total of 131 post-secondary institutions. Several of the member institutions have availed themselves of the county-based bonding provisions in ss. 243.18-243.40, F.S.; however, not every county in Florida has resolved to create such a mechanism.

The Independent Colleges and Universities of Florida organization is given a unique role in this bill. The organization, itself the representative of only 27 institutions, may act as the designated executive authority for the corporation. The organization describes itself on its website (www.icuf.org) as having a primary responsibility “. . .in lobby(ing) the Florida Legislature in behalf of our members.”

VIII. Amendments:

None.

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Senate 1450: Relating to Higher Educ. Facilities Financing

S 1450 GENERAL BILL/CS/CS/2ND ENG by Governmental Oversight and Productivity; Education; Bonds (Similar CS/H 1027, Compare 1ST ENG/H 0105, CS/1ST ENG/H 0395, CS/S 0072, CS/2ND ENG/S 0290, 2ND ENG/S 0292, 2ND ENG/S 1024, CS/2ND ENG/S 1458, S 1990)

Higher Educ Facilities Financing; provides findings & declarations re financing for private not-for-profit institutions of higher education; cites act as "Higher Educational Facilities Financing Act"; creates Higher Educational Facilities Financing Authority; maintains exemption from taxation for property leased from governmental agency if agency continues to use property exclusively for educational purposes, etc. Amends 196.012, .198. EFFECTIVE DATE: Upon becoming law except as otherwise provided.

- 02/14/00 SENATE Prefiled
- 02/22/00 SENATE Referred to Education; Governmental Oversight and Productivity; Fiscal Resource
- 03/07/00 SENATE Introduced, referred to Education; Governmental Oversight and Productivity; Fiscal Resource -SJ 00085
- 04/05/00 SENATE On Committee agenda-- Education, 04/10/00, 2:00 pm, 412-K *CMT*
- 04/10/00 SENATE Comm. Action: CS by Education; YEAS 9 NAYS 0 -SJ 00447; CS read first time on 04/12/00 -SJ 00449
- 04/12/00 SENATE Now in Governmental Oversight and Productivity -SJ 00447
- 04/20/00 SENATE On Committee agenda-- Governmental Oversight and Productivity, 04/25/00, 9:00 am, 37-S
- 04/25/00 SENATE Comm. Action: CS/CS by Governmental Oversight and Productivity; YEAS 5 NAYS 0 -SJ 00582; CS read first time on 04/27/00 -SJ 00588 *- L.A. Libran y*
- 04/27/00 SENATE Now in Fiscal Resource -SJ 00582
- 05/02/00 SENATE Withdrawn from Fiscal Resource -SJ 00735; Placed on Calendar
- 05/03/00 SENATE Placed on Special Order Calendar -SJ 00888
- 05/04/00 SENATE Placed on Special Order Calendar -SJ 00994; Read second time -SJ 01086; Amendment(s) adopted -SJ 01086; Ordered engrossed -SJ 01087
- 05/05/00 SENATE Read third time -SJ 01356; Amendment(s) adopted -SJ 01356; CS passed as amended; YEAS 38 NAYS 0 -SJ 01356
- 05/05/00 HOUSE In Messages; Died in Messages, Iden./Sim./Compare Bill(s) passed, refer to CS/SB 290 (Ch. 2000-262)

Bill Text: (Top)

Bill Name	Date Posted	Available Formats
S 1450	08/25/2000	Web Page PDF
S 1450C1	08/25/2000	Web Page PDF
S 1450C2	08/25/2000	Web Page PDF
S 1450E1	08/25/2000	Web Page PDF
S 1450E2	08/25/2000	Web Page PDF

Committee Amendments and Filed Floor Amendments: (Top)

S 1450:

Amendment ID	Date Posted	Available Formats
S 1450C1:		

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House 1827: Relating to Higher Educ. Facilities Financing

H 1827 GENERAL BILL/CS by Colleges & Universities (AEC); Andrews, (CO-SPONSORS) Casey (similar CS/CS/2ND ENG/S 1450, Compare 2ND ENG/S 0292, 2ND ENG/S 1024)

Higher Educ. Facilities Financing; provides findings & declarations re financing for private not-for-profit institutions of higher education; creates "Higher Educational Facilities Financing Act"; creates Higher Educational Facilities Financing Authority; provides for loans from revenue bonds to participating institutions; provides for validation of revenue bonds; provides for trust funds & remedies of bondholders; provides for tax exemption, etc. EFFECTIVE DATE: Upon becoming law.

- 03/08/00 HOUSE Filed
- 03/09/00 HOUSE Introduced -HJ 00213
- 03/14/00 HOUSE Referred to Colleges & Universities (AEC); Finance & Taxation (FRC); Education Appropriations (FRC) -HJ 00285
- 04/06/00 HOUSE On Committee agenda-- Colleges & Universities (AEC), 04/10/00, 1:00 pm, 214-C
- 04/10/00 HOUSE Comm. Action: CS by Colleges & Universities (AEC); YEAS 7 *CMT* NAYS 0 -HJ 00553
- 04/17/00 HOUSE CS read first time on 04/17/00 -HJ 00549
- 04/14/00 HOUSE Pending review of CS under Rule 113 -HJ 00553; Now in Finance & Taxation (FRC) -HJ 00553
- 04/18/00 HOUSE Withdrawn from Finance & Taxation (FRC) -HJ 00557; Now in Education Appropriations (FRC)
- 05/01/00 HOUSE Withdrawn from Education Appropriations (FRC) -HJ 01229; Placed on calendar, available for General Calendar
- 05/05/00 HOUSE Died on Calendar

Bill Text: (Top)

Bill Name	Date Posted	Available Formats
H 1827	08/28/2000	Web Page PDF
H 1827C1	08/28/2000	Web Page PDF

Amendments: (Top)

H 1827:
No Amendments Available

H 1827C1:
No Amendments Available

Bill Analysis: (Top)

Analysis ID	Sponsor	Available Formats
H 1827	Colleges & Universities	PDF
H 1827S1A	Colleges & Universities	PDF
H 1827S1Z	Colleges & Universities	PDF

Vote History: (Top)

656-2126

COMMITTEE APPEARANCE RECORD
(Submit to Committee Chairman or Secretary)

4-25-00
(date)

SB 1450
(Bill No.)

Name BOB BOYD SUITE 900
Address 106 E. COLLEGE AVE TALL FL 32301
Representing ICUF (INDEP. COLLEGES & UNIVERSITIES OF FLA.)

Lobbyist (Registered with Senate) Yes No

Speaking: For Against Information

Subject TO ANSWER ANY QUESTIONS

If state employee-- Time: from _____ .m. to _____ .m.

(State employees are required to file the first copy of this form with Committee Chairman unless appearance is requested by chairman as a witness or for informational purposes.)

Jribble,

Here's the copy of the appearance card.

Deb

STORAGE NAME: h0281s1.llc.doc

DATE: April 18, 2001

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE
COUNCIL FOR LIFELONG LEARNING
ANALYSIS**

BILL #: CS/HB 281

RELATING TO: Higher Education Facilities Financing Act

SPONSOR(S): Committee on Colleges and Universities and Representative(s) Alexander

TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) COLLEGES AND UNIVERSITIES YEAS 11 NAYS 0
- (2) FISCAL POLICY AND RESOURCES YEAS 11 NAYS 0
- (3) COUNCIL FOR LIFELONG LEARNING YEAS 12 NAYS 0
- (4)
- (5)

I. SUMMARY:

This bill creates a statewide corporate public body known as the Higher Educational Facilities Financing Authority. The purpose of this statewide authority is to assist not-for-profit and nonpublic postsecondary education institutions in the construction, financing, and refinancing of projects throughout the State of Florida. The authority consists of five members appointed by the Governor. The authority must appoint an executive director or may discharge the duties of the executive director under a contract.

This bill authorizes the Higher Educational Facilities Financing Authority to issue bonds; receive and accept loans or grants for the construction of a project in conjunction with a not-for-profit and nonpublic postsecondary education institution; mortgage such projects for the benefit of holders of revenue bonds issued to finance these projects; provide loans to any not-for-profit and nonpublic postsecondary education institution for the cost of a project, including a loan in anticipation of tuition revenues; provide loans to any not-for-profit and nonpublic postsecondary education institution in order to refund outstanding obligations provided by such an institution for the cost of a project; and charge to and equitably apportion its administrative costs and expenses among participating institutions.

This bill specifically stipulates that any bonds issued by the Higher Educational Facilities Financing Authority are not secured by the full faith and credit of the State of Florida and do not constitute an obligation of the State of Florida. Additionally, this bill stipulates that revenue bonds issued by the Higher Educational Facilities Financing Authority may not be considered a debt or liability of the authority, a municipality, the state or any of its political subdivisions. A bond's principal or interest must be paid from revenues generated from the project that was undertaken.

This bill stipulates that the Higher Educational Facilities Financing Authority or its agents are not required to pay any taxes on a project, any property acquired by the authority or its agents, or any income generated from a project. Additionally, any bonds issued; income generated from the issuance of bonds; profits generated from the sale of bonds; and all notes, mortgages, security agreements, or letters of credit intended to secure the repayment of issued bonds are exempt from any tax of the state, a local unit, a political subdivision, or other instrumentality of the state.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

This bill does not appear to support the principle of less government because it creates the Higher Educational Facilities Financing Authority and assigns the authority to the Department of Education for administrative purposes. The purpose of the statewide authority is to assist not-for-profit and nonpublic postsecondary education institutions in the construction, financing, and refinancing of projects throughout the State of Florida.

B. PRESENT SITUATION:

Please see SECTION-BY-SECTION ANALYSIS.

C. EFFECT OF PROPOSED CHANGES:

Please see SECTION-BY-SECTION ANALYSIS.

D. SECTION-BY-SECTION ANALYSIS:

SECTION 1: Creates an unspecified section of the Florida Statutes in order to provide a short title for this piece of legislation ("Higher Educational Facilities Financing Act").

SECTION 2: Creates an unspecified section of the Florida Statutes in order to include a statement of legislative findings and declarations.

SECTION 3: Creates an unspecified section of the Florida Statutes in order to define terms applicable to this piece of legislation. Terms defined include "authority," "real property," "project," "cost," "bond" or "revenue bond," "institution of higher education," "participating institution," and "loan in anticipation of tuition revenues."

SECTION 4: Creates an unspecified section of the Florida Statutes in order to create the Higher Educational Facilities Financing Authority.

PRESENT SITUATION-

Section 243.21, Florida Statutes, creates a corporate public body in each county known as a county educational facilities authority. The purpose of each local authority is to assist certain not-for-profit and accredited postsecondary education institutions in the construction, financing, and refinancing of projects throughout the designated county. A county's board of county commissioners may

adopt an ordinance or resolution declaring a need for an educational facilities authority if its citizens do not have the opportunity to learn and develop their intellectual and mental capacities because there is a shortage of educational facilities or projects at certain not-for-profit and accredited postsecondary education institutions located within the county. The adopted ordinance or resolution must designate a minimum of five individuals as members of the local educational facilities authority. One of these members must be a trustee, director, officer, or employee of a not-for-profit and accredited postsecondary education institution located within the county. Additionally, the local educational facilities authority must appoint an executive director who must keep a record of the proceedings of the authority.

EFFECT OF PROPOSED CHANGES-

This bill creates a statewide corporate public body known as the Higher Educational Facilities Financing Authority. The Governor must appoint five individuals to serve as members of the Higher Educational Facilities Financing Authority. One of these members must be a trustee, director, officer, or employee of a not-for-profit and nonpublic postsecondary education institution. Additionally, the Higher Educational Facilities Financing Authority must appoint an executive director who must keep a record of the proceedings of the authority. The duties of the executive director may be discharged under a contract. Members of the authority are not compensated but are entitled to reimbursement of expenses as provided for in s. 112.061, F.S. The authority is assigned to the Department of Education for administrative purposes.

SECTION 5: Creates an unspecified section of the Florida Statutes in order to prescribe the powers of the Higher Educational Facilities Financing Authority.

PRESENT SITUATION-

Section 243.22, Florida Statutes, prescribes the powers of each county educational facilities authority. Each local authority is authorized to issue bonds; receive and accept from any public agency loans or grants for the construction of a project that is required or useful for the instruction of students, the conducting of research, or the operation of a not-for-profit and accredited postsecondary education institution; mortgage projects that are required or useful for the instruction of students, the conducting of research, or the operation of a not-for-profit and accredited postsecondary education institution for the benefit of holders of revenue bonds issued to finance these projects; provide loans to any not-for-profit and accredited postsecondary education institution for the cost of a project, including a loan in anticipation of tuition revenues; and provide loans to any not-for-profit and accredited postsecondary education institution in order to refund outstanding obligations provided by such an institution for the cost of a project.

EFFECT OF PROPOSED CHANGES-

The purpose of this statewide authority is to assist certain not-for-profit and nonpublic postsecondary education institutions in the construction, financing, and refinancing of projects throughout the State of Florida. This bill authorizes the Higher Educational Facilities Financing Authority to exercise all powers granted to corporations under the Florida Business Corporation Act (chapter 607, Florida Statutes). In addition the authority has power to:

- Execute financing agreements, leases, as lessee or as lessor, contracts, deeds.
- Enter into interlocal agreements in the manner provided in section 163.01, F.S.
- Issue bonds, bond anticipation notes, and other obligations to pay the cost of any project, and to fund or refund the cost of any project.
- Fix and revise and charge and collect rates, rents, fees, and charges for the use of a project.
- Employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers, and other employees and agents, and fix their compensation.

- Mortgage any project for the benefit of the holders of revenue bonds issued to finance projects or those providing credit.
- Make loans to any participating institution of higher education for the cost of a project, including a loan in anticipation of tuition revenues; but no loan may exceed the total cost of the project as determined by the participating institution of higher education.
- Charge participating institutions for the administrative costs and expenses of the authority.

SECTION 6: Creates an unspecified section of the Florida Statutes relating to the payment of expenses for the Higher Educational Facilities Financing Act.

PRESENT SITUATION-

Section 243.23, Florida Statutes, specifies that all expenses incurred as a result of carrying out the provisions relating to the local educational facilities authority law must be payable from funds provided under a county's educational facilities authority.

EFFECT OF PROPOSED CHANGES-

This bill specifies that all expenses incurred as a result of carrying out the provisions relating to the Higher Educational Facilities Financing Act must be payable from funds provided under the authority of the act. The authority may not incur any liability or obligation beyond the extent to which monies have been provided under the act.

SECTION 7: Creates an unspecified section of the Florida Statutes relating to the acquisition of real property by the Higher Educational Facilities Financing Authority.

PRESENT SITUATION-

Section 243.24, Florida Statutes, authorizes a county educational facilities authority to purchase certain real property located within or outside of the state for the construction or operation of a project that is required or useful for the instruction of students, the conducting of research, or the operation of a not-for-profit and accredited postsecondary education institution.

EFFECT OF PROPOSED CHANGES-

This bill authorizes the Higher Educational Facilities Financing Authority to purchase or lease certain real property located within the state for the construction or operation of a project in conjunction with a not-for-profit and nonpublic postsecondary education institution.

SECTION 8: Creates an unspecified section of the Florida Statutes relating to the conveyance of title or interest to not-for-profit and nonpublic postsecondary education institutions that undertake the financing and construction or acquisition of a project.

PRESENT SITUATION-

Section 243.25, Florida Statutes, directs a county educational facilities authority to execute deeds and conveyances as are necessary and required to convey a title to a not-for-profit and accredited postsecondary education institution that undertakes the financing and construction or acquisition of a project when the principal and interest on revenue bonds issued to finance the cost of the particular project have been fully paid.

EFFECT OF PROPOSED CHANGES-

This bill directs the Higher Educational Facilities Financing Authority to execute deeds and conveyances necessary and required to convey a title to a not-for-profit and nonpublic postsecondary education institution that undertakes the financing and construction or acquisition of a project when the principal and interest on revenue bonds issued to finance the cost of the particular project have been fully paid.

SECTION 9: Creates an unspecified section of the Florida Statutes specifying the criteria and requirements that guide the Higher Educational Facilities Financing Authority when undertaking a specific project.

PRESENT SITUATION-

Current statutory provisions do not specify the criteria and requirements that guide a county educational facilities authority when undertaking a specific project that is required or useful for the instruction of students, the conducting of research, or the operation of a not-for-profit and accredited postsecondary education institution.

EFFECT OF PROPOSED CHANGES-

The bill provides four requirements that a project must meet to be financed by the authority. However, the bill also says that the determination of the authority as to compliance with the criteria and requirements is final and conclusive:

- The project must make a significant contribution to the purposes of the authority and serve a public purpose by advancing the prosperity and general welfare of the state and its people.
- The authority may not enter into a financing agreement with a participating institution that is not financially responsible. In determining the financial responsibility of the participating institution, the authority must consider its ratio of current assets to current liabilities; net worth; endowments; pledges; earning trends; coverage of all fixed charges; the nature of the project involved; its inherent stability; any guarantee of the obligations by some other financially responsible corporation, firm, or person; and means by which the bonds are to be marketed to the public.
- The authority must require the owner or the lessee to incur the expense of the operation, repair, and maintenance of the project and for the payment of principal of and interest on the bonds.
- The costs to be paid from the proceeds of the bonds are costs of a project, except for payments included in the purposes for which revenue refunding bonds may be issued. Revenue refunding bonds are governed by section 24 of the bill.

SECTION 10: Creates an unspecified section of the Florida Statutes relating to the Higher Educational Facilities Financing Authority's required approval to issue bonds.

PRESENT SITUATION-

Current statutory provisions do not address approval by the Governor of bonds issued by a county educational facilities authority that require approval under federal law.

EFFECT OF PROPOSED CHANGES-

This bill permits the Governor to approve any bonds issued by the Higher Educational Facilities Financing Authority that require approval under federal law.

SECTION 11: Creates an unspecified section of the Florida Statutes relating to the issuance of notes by the Higher Educational Facilities Financing Authority.

PRESENT SITUATION-

Section 243.26, Florida Statutes, authorizes each county educational facilities authority to issue negotiable notes for any corporate purpose. The notes may be authorized, sold, executed, and delivered in the same manner as bonds. All of the notes must be payable solely from the revenues of the local authority.

EFFECT OF PROPOSED CHANGES-

This bill permits the Higher Educational Facilities Financing Authority to issue negotiable notes for any corporate purpose. The notes may be authorized, sold, executed, and delivered in the same manner as bonds. All of the notes must be payable solely from the revenues of the project to be financed.

SECTION 12: Creates an unspecified section of the Florida Statutes relating to the issuance of revenue bonds by the Higher Educational Facilities Financing Authority.

PRESENT SITUATION-

Section 243.27, Florida Statutes, authorizes each county educational facilities authority to issue negotiable revenue bonds for any corporate purpose. The revenue bonds must be payable solely from the revenues of the county educational facilities authority. The revenue bonds must be authorized by resolution of the members of the county educational facilities authority. Any resolution authorizing any revenue bonds may contain provisions that must be a part of the contract with the holders of the revenue bonds. The provisions that may be included in the contract are:

- the county educational facilities authority must pledge at least part of the revenues of a project in order to secure the payment of the revenue bonds;
- the rentals, fees, assessed charges, and the amounts to be raised in each year;
- limitations on the right of the county educational facilities authority to restrict and regulate the use of the project;
- limitations on the issuance of additional bonds;
- limitations on the amount of monies derived from the project to be expended for the county educational facilities authority's operating, administrative, and other expenses; and the mortgaging of a project and the site for the purpose of securing the bondholders.

EFFECT OF PROPOSED CHANGES-

This bill permits the Higher Educational Facilities Financing Authority to issue negotiable revenue bonds for any corporate purpose. The revenue bonds must be payable solely from revenues of the Higher Educational Facilities Financing Authority. The revenue bonds must be authorized by resolution of the Higher Educational Facilities Financing Authority. Any resolution authorizing any revenue bonds may contain provisions that must be a part of the contract with the holders of the revenue bonds. The provisions that may be included in the contract are:

- the authority must pledge at least part of the revenues of a project in order to secure the payment of the revenue bonds;
- the rentals, fees, assessed charges, and the amounts to be raised in each year;
- limitations on the right of the authority to restrict and regulate the use of the project;
- limitations on the issuance of additional bonds; limitations on the amount of monies derived from the project to be expended for the authority's operating, administrative, and other expenses; and
- the mortgaging of a project and the site for the purpose of securing the bondholders. The bill also permits bonds to be issued without obtaining the consent of any local government, department, division, commission, board, body, bureau, or agency of the state.

SECTION 13: Creates an unspecified section of the Florida Statutes relating to covenants associated with the issuance of bonds.

PRESENT SITUATION-

Current statutory provisions do not specifically address whether or not a resolution authorizing the issuance of bonds may contain any covenants the county educational facilities authority considers advisable.

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EFFECT OF PROPOSED CHANGES-

This bill permits a resolution authorizing the issuance of bonds to contain any covenants the Higher Educational Facilities Financing Authority considers advisable. The covenants may include the disposition of bond proceeds, the use and disposition of project revenues, the pledging of revenues and assessments, the obligations of the authority with respect to the operation of the project, the issuance of additional bonds, the acquisition of outstanding bonds and obligations, restrictions on the establishment of competing projects or facilities, and others.

SECTION 14: Creates an unspecified section of the Florida Statutes relating to the validity of bonds issued by the Higher Educational Facilities Financing Authority.

PRESENT SITUATION-

Current statutory provisions require a county educational facilities authority to go through the bond validation procedures established in Chapter 75, F.S.

EFFECT OF PROPOSED CHANGES-

This bill specifies that a bond issued by the Higher Educational Facilities Financing Authority is not invalid because of any irregularity or defect in the proceedings relating to the issuance and sale of the bond. The bill requires the Higher Educational Facilities Financing Authority to validate the bonds by going through the bond validation procedure established in Chapter 75, F.S.

SECTION 15: Creates an unspecified section of the Florida Statutes relating to the state's obligation relating to bonds issued by the Higher Educational Facilities Financing Authority.

PRESENT SITUATION-

Section 243.29, Florida Statutes, stipulates that revenue bonds issued by a county educational facilities authority cannot be considered a debt or liability of the state or the county. Additionally, revenue bonds issued by such an authority cannot be considered a pledge of the faith and credit of the state or the county. All issued revenue bonds must include a statement that does not obligate the state or the local authority from having to pay the principal or interest.

EFFECT OF PROPOSED CHANGES-

This bill stipulates that any bonds issued by the Higher Educational Facilities Financing Authority are not secured by the full faith and credit of the State of Florida and do not constitute an obligation of the State of Florida.

SECTION 16: Creates an unspecified section of the Florida Statutes relating to the security of bondholders.

PRESENT SITUATION-

Section 243.28, Florida Statutes, provides a county educational facilities authority with the discretion of securing any issued revenue bonds through a trust agreement. The trust agreement may contain provisions that protect and enforce the rights and remedies of the bondholders.

EFFECT OF PROPOSED CHANGES-

This bill provides the Higher Educational Facilities Financing Authority with the discretion of securing any issued revenue bonds through a trust agreement. The trust agreement may contain provisions that protect and enforce the rights and remedies of the bondholders.

SECTION 17: Creates an unspecified section of the Florida Statutes relating to the payment of bonds issued by the Higher Educational Facilities Financing Authority.

PRESENT SITUATION-

Section 243.29, Florida Statutes, stipulates that revenue bonds issued by a county educational facilities authority cannot be considered a debt or liability of the state or the county. Additionally, revenue bonds issued by such an authority cannot be considered a pledge of the faith and credit of the state or the county. All issued revenue bonds must include a statement that does not obligate the state or the local authority from having to pay the principal or interest. The principal and interest associated with an issued revenue bond must be paid from revenues generated from the project that was undertaken.

EFFECT OF PROPOSED CHANGES-

This bill stipulates that revenue bonds issued by the Higher Educational Facilities Financing Authority may not be considered a debt or liability of the authority, a municipality, the state or any of its political subdivisions. Additionally, revenue bonds issued by the authority may not be considered a pledge of the faith and credit of the state, the authority, a municipality, or a political subdivision. All revenue bonds must include a statement that does not obligate the authority, a municipality, the state, or a political subdivision from having to pay the bonds principal or interest. A bonds principal or interest must be paid from revenues generated from the project that was undertaken.

SECTION 18: Creates an unspecified section of the Florida Statutes relating to the Higher Educational Facilities Financing Authority's assessment of rates, rents, fees, and charges on a specific project.

PRESENT SITUATION-

Section 243.30, Florida Statutes, authorizes a county educational facilities authority to assess rates, rents, fees, and charges for the use of and for the services furnished by each project that is undertaken. These rates, rents, fees, and charges must be used to pay the cost of maintaining, repairing, and operating the project; pay the principal and interest on outstanding revenue bonds, and create and maintain reserves in order to secure the revenue bonds of the local authority. A sufficient amount of revenues derived from a project must be periodically set aside in a sinking fund or similar fund to pay a revenue bond's principal and interest.

EFFECT OF PROPOSED CHANGES-

This bill permits the participating institution to assess rates, rents, fees, and charges for the use of and for the services furnished by each project undertaken. These rates, rents, fees, and charges must be used to pay the cost of maintaining, repairing, and operating the project; pay the principal and interest on outstanding revenue bonds; and create and maintain reserves in order to secure the revenue bonds of the authority. A sufficient amount of revenues derived from a project must be periodically set aside in a sinking fund or similar fund to pay a revenue bond's principal and interest.

SECTION 19: Creates an unspecified section of the Florida Statutes relating to trust funds of the Higher Educational Facilities Financing Authority.

PRESENT SITUATION-

Section 243.31, Florida Statutes, specifies that all monies received by a county educational facilities authority are deemed to be trust funds. These funds include the local authority's revenues or proceeds from the sale of bonds.

EFFECT OF PROPOSED CHANGES-

This bill specifies that all monies received by the Higher Educational Facilities Financing Authority are considered to be trust funds. These funds include the authority's revenues or proceeds from the sale of bonds.

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SECTION 20: Creates an unspecified section of the Florida Statutes relating to the remedies of bondholders.

PRESENT SITUATION-

Section 243.32, Florida Statutes, stipulates that any holder of revenue bonds issued by a county educational facilities authority may protect and enforce any rights under the laws of the state and may enforce and compel the performance of all duties required to be performed by a county educational facilities authority via suit, action, mandamus, or other proceeding.

EFFECT OF PROPOSED CHANGES-

This bill stipulates that any holder of revenue bonds issued by the Higher Educational Facilities Financing Authority may protect and enforce any rights under the laws of the state and may enforce and compel the performance of all duties required to be performed by the authority via suit, action, mandamus, or other proceeding.

SECTION 21: Creates an unspecified section of the Florida Statutes in order to provide a tax exemption to the Higher Educational Facilities Financing Authority.

PRESENT SITUATION-

Section 243.33, Florida Statutes, stipulates that a county educational facilities authority or its agents are not required to pay any taxes on a project, any property acquired by the authority, or any income generated from a project. Additionally, any bonds issued, income generated from the issuance of bonds, and profits generated from the sale of bonds are exempt from any tax of the state, a county, a municipality, and another political subdivision in the state.

EFFECT OF PROPOSED CHANGES-

This bill stipulates that the Higher Educational Facilities Financing Authority or its agents are not required to pay any taxes on a project, any property acquired by the authority or its agents, or any income generated from a project. Additionally, any bonds issued; income generated from the issuance of bonds; profits generated from the sale of bonds; and all notes, mortgages, security agreements, or letters of credit intended to secure the repayment of issued bonds are exempt from any tax of the state, a local unit, a political subdivision, or other instrumentality of the state.

SECTION 22: Creates an unspecified section of the Florida Statutes relating to the refunding of revenue bonds issued by the Higher Educational Facilities Financing Authority.

PRESENT SITUATION-

Section 243.34, Florida Statutes, authorizes a county educational facilities authority to issue revenue bonds for the purpose of refunding any outstanding revenue bonds. The proceeds of any revenue bonds issued for the purpose of refunding any outstanding revenue bonds may be applied to the purchase of an outstanding revenue bond.

EFFECT OF PROPOSED CHANGES-

This bill permits the Higher Educational Facilities Financing Authority to issue revenue bonds for the purpose of refunding any outstanding revenue bonds. The proceeds of any revenue bonds issued for the purpose of refunding any outstanding revenue bonds may be applied to the purchase of an outstanding revenue bond.

SECTION 23: Creates an unspecified section of the Florida Statutes relating to the legal investment of bonds issued by the Higher Educational Facilities Financing Authority.

PRESENT SITUATION-

Section 243.35, Florida Statutes, specifies that bonds issued by a county educational facilities authority are made securities in which all public officers and public bodies of the state and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest the funds.

EFFECT OF PROPOSED CHANGES-

This bill specifies that bonds issued by the Higher Educational Facilities Financing Authority are made securities in which all public officers and public bodies of the state and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest the funds.

SECTION 24: Creates an unspecified section of the Florida Statutes specifying the reporting requirements for the Higher Educational Facilities Financing Authority.

PRESENT SITUATION-

Section 243.36, Florida Statutes, requires a county educational facilities authority to submit a report to the board of county commissioners within 90 days after the New Year. This report must outline the local authority's activities for the preceding year and must include a complete operating and financial statement covering the local authority's operations for the preceding year.

EFFECT OF PROPOSED CHANGES-

This bill requires the Higher Educational Facilities Financing Authority to submit a report to the Governor and the presiding officer of each house of the Legislature within two months after the end of the fiscal year. This report must set forth the authority's operations and accomplishments; its receipts and expenditures during its fiscal year; its assets and liabilities at the end of its fiscal year; a schedule of its bonds outstanding at the end of its fiscal year; and any other information the authority deems appropriate. The bill requires the authority to submit, with its annual report, an annual compliance audit by an independent certified public accountant performed in accordance with generally accepted auditing standards and government auditing standards. The Auditor General may conduct an audit of the authority.

SECTION 25: Creates an unspecified section of the Florida Statutes relating to state agreements.

PRESENT SITUATION-

Section 243.37, Florida Statutes, stipulates that the State of Florida agrees with the holders of any obligations not to limit or alter the rights vested in a county educational facilities authority until the obligations are fully met and discharged.

EFFECT OF PROPOSED CHANGES-

This bill stipulates that the State of Florida agrees with the holders of any obligations not to limit or alter the rights vested in the Higher Educational Facilities Financing Authority until the obligations are fully met and discharged.

SECTION 26: This section provides assurance that the authority may use permissions provided by other laws to carry out its responsibilities. However, if it chooses to use the laws created by this act, it is not subject to the supervision or regulation of, and it does not require the approval or consent of, any municipality or political subdivision or any commission, board, body, bureau, official, or agency of the state, except as otherwise provided for in the act.

SECTION 27: Creates an unspecified section of the Florida Statutes stipulating that this piece of legislation must be liberally construed in order to effectively carry out its purposes.

SECTION 28: Creates an unspecified section of the Florida Statutes that provides that this piece of legislation controls in case of an inconsistency with any other general statute or special act.

SECTION 29: Amends the definition of "educational institution" contained in s. 196.012, F.S. to include "institutions of higher education as defined under and participating in the Higher Educational Facilities Financing Act." According to the Department of Revenue, this would be a more expansive definition than what currently exists.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not have an impact on state revenues.

2. Expenditures:

This bill does not have an impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

this bill does not have an impact on local revenues.

2. Expenditures:

This bill does not have an impact on local expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The Higher Educational Facilities Financing Authority is created to assist not-for-profit and nonpublic postsecondary education institutions in the construction, financing, and refinancing of projects throughout the State of Florida.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take action which requires the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities and counties have to raise revenues.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES.

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

The county higher educational facilities authorities, created in Chapter 243, Florida Statutes, was challenged on grounds that it violated the Establishment Clause of the U.S. and Florida constitutions, among other grounds. The Florida Supreme Court considered these issues in the case of Nohrr v. Brevard County Educational Facilities Authority, 247 So.2d 304 (Fla. 1971), and found the statute to be constitutional. Since the framework of this bill is based on the same premise as the county higher educational facilities authorities, it is likely that this bill would withstand any constitutional challenges similar to the issues decided in Nohrr.

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

- The committee substitute narrows the definition of "project" to include dormitories, student service facilities, parking facilities, administration buildings, academic buildings, libraries and loans in anticipation of tuition revenues.
- The committee substitute clarifies that the financing, construction, maintenance and control of these projects are to be coordinated between the authority and the participating institution of higher education. The amendment removes provisions that would have allowed the authority to contract with private firms to purchase, lease or operate the project without any input from the participating institutions.
- The committee substitute requires the authority to validate its bonds through the established bond validation procedure in Chapter 75, F.S. instead of validation through publication in a newspaper. This is the same process followed by the county higher educational facilities authorities.
- The committee substitute eliminates the authority's ability to finance projects outside the State of Florida.
- The committee substitute conforms the definition of "institution of higher education" to the definition contained in the statute relating to Florida resident access grants.
- The committee substitute places the authority under the oversight of the Auditor General and updates the authority's reporting requirements.

STORAGE NAME: h0281s1.llc.doc

DATE: April 18, 2001

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- The committee substitute removes some of the findings and declarations that are not necessary to the bill.
- The committee substitute removes certain provisions that refer to the Independent Colleges and Universities of Florida or similar organizations.
- The committee substitute makes technical and grammatical changes

On April 17, 2001, the Council for Lifelong Learning adopted one amendment that changes the date of maturity for any bonds issued by the authority from 50 years from the date of issuance to 30 years from the date of issuance; and removes a provision that would have exempted the bonds from any limitation in other laws relating to maximum interest rates.

VII. SIGNATURES:

COMMITTEE ON COLLEGES AND UNIVERSITIES:

Prepared by:

Staff Director:

David R. Westcott

Betty Tilton

AS REVISED BY THE COMMITTEE ON FISCAL POLICY AND RESOURCES:

Prepared by:

Staff Director:

Kama Monroe

Greg Turbeville

AS FURTHER REVISED BY THE COUNCIL FOR LIFELONG LEARNING:

Prepared by:

Staff Director:

David R. Westcott

Patricia W. Levesque

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Bob Boyd

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FLORIDA LEGISLATURE - REGULAR SESSION - 2001
LEGISLATIVE INFORMATION DIVISION

PAGE 1

H 0281 GENERAL BILL/CS/1ST ENG by Colleges & Universities (LLC); Alexander; (CO-SPONSORS) Lynn (Similar CS/1ST ENG/S 0302) Higher Educational Facilities; creates "Higher Educational Facilities Financing Act"; creates Higher Educational Facilities Financing Authority; provides criteria for & covenants re authorization of issuance of notes & revenue bonds not obligating full faith & credit of authority, any municipality, state, or any political subdivision thereof; provides for loans from revenue bonds to participating institutions; provides for tax exemption, etc. Amends 196.012. Effective Date: Upon becoming law.

01/26/01 HOUSE Prefiled

02/06/01 HOUSE Referred to Colleges & Universities (LLC); Fiscal Policy & Resources (FRC); Council for Lifelong Learning

03/06/01 HOUSE Introduced, referred to Colleges & Universities (LLC); Fiscal Policy & Resources (FRC); Council for Lifelong Learning -HJ 00030

03/22/01 HOUSE On Committee agenda-- Colleges & Universities (LLC), 03/26/01, 2:45 pm, Reed Hall

03/26/01 HOUSE CS by Colleges & Universities (LLC); YEAS 11 NAYS 0 -HJ 00475

04/04/01 HOUSE CS read first time on 04/04/01 -HJ 00472; Pending review of CS under Rule 6 -HJ 00475; Now in Fiscal Policy & Resources (FRC) -HJ 00475

04/09/01 HOUSE On Committee agenda-- Fiscal Policy & Resources (FRC), 04/11/01, 10:45 am, 214-C

04/11/01 HOUSE Favorable by Fiscal Policy & Resources (FRC); YEAS 11 NAYS 0 -HJ 00516

04/12/01 HOUSE Now in Council for Lifelong Learning -HJ 00516

04/13/01 HOUSE On Council agenda-- Council for Lifelong Learning, 04/17/01, 4:00 pm, Morris Hall

04/17/01 HOUSE Favorable with 1 amendment(s) by- Council for Lifelong Learning; YEAS 12 NAYS 0 -HJ 00547

04/19/01 HOUSE Placed on Calendar, on second reading -HJ 00547

04/25/01 HOUSE Placed on Special Order Calendar; Retained on Calendar

04/26/01 HOUSE Placed on Special Order Calendar; Retained on Calendar

04/27/01 HOUSE Placed on Special Order Calendar; Read second time -HJ 01371; Amendment(s) adopted -HJ 01372

05/03/01 HOUSE Senate Bill substituted; Laid on Table, Link/Iden/Sim/Compare passed, refer to CS/SB 302 (Ch. 2001-79) -HJ 01837

House of Representatives
COUNCIL/COMMITTEE INFORMATION RECORD

COPY

Council/Committee on Colleges & Universities

Date of Meeting March 26 2001

Time 9:00 am

Place Reed Hall

BILL NO HB 281

COPY

FINAL ACTION:

- Favorable
- Favorable with _____ Amendments
- Favorable with Council/Committee Substitute
- Unfavorable

VOTE.

YEA	MEMBER	NAY	YEA	MEMBER	NAY
X	Baxley				
	Brutus	X			
X	Betancourt				
X	Harrington				
X	Heyman				
X	Kallinger				
X	McGriff				
X	Mealor				
X	Needelman				
X	Trovillion				
X	Waters				
X	Kilmer, Chair				

Rep Brutus did not attend this meeting. Will contact in Clerk's Office (see attached excuse letter)

IF PRESENT, MEMBER WOULD HAVE VOTED

Total Yeas

11

Total Nays

1

[Signature]
Chair

APPEARANCE RECORD

The following persons (other than legislators) appeared before the Council/Committee during the consideration of this bill

Name	Representing	Address
Bob Boyd, General Counsel	ICUF	PO Box 10555, Tallahassee, FL 32302

Note. Please indicate by an "X" any State employee appearing at the request of the Chair

(FILE WITH CLERK)



Florida House of Representatives

Representative Phillip I. Brutus
District 108

Reply to:

- ☐ 645 Northeast 127th Street
North Miami, Florida 33161
(305) 956-2538
(305) 956-2540
- ☐ 200 House Office Building
402 South Monroe Street
Tallahassee, Florida 32399-1300
(850) 488-1233
(888) 864-7582

Committees

Vice-Chair, Committee on Banking
Colleges and Universities
Council for Ready Infrastructure
Elder and Long-Term Care
Health and Human Services Appropriations
House Redistricting

March 26, 2001

Honorable Bev Kilmer
Chair, Colleges & Universities
1302 Capitol
402 South Monroe Street
Tallahassee, Florida 32399-1300

Dear Representative Kilmer:

I respectfully request an excused absence from today's Colleges & Universities Committee meeting. My flight from Miami to Tallahassee was cancelled due to the Delta Airline strike.

Sincerely,

Phillip I. Brutus

Phillip I. Brutus

PJB:al

A handwritten signature in black ink, appearing to read "Phillip I. Brutus", written in a cursive style.