

Bill No. CS for SB 2448

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Sullivan moved the following amendment to amendment (712228):

Senate Amendment (with title amendment)

On page 30, between lines 21 and 22,

insert:

Section 19. Section 240.2605, Florida Statutes, is amended to read:

240.2605 Trust Fund for Major Gifts.--

(1) There is established a Trust Fund for Major Gifts.

The purpose of the trust fund is to enable the Board of Regents Foundation, each university, and New College to provide donors with an incentive in the form of matching grants for donations for the establishment of permanent endowments, which must be invested, with the proceeds of the investment used to support libraries and instruction and research programs, as defined by procedure of the Board of Regents. All funds appropriated for the challenge grants, new donors, major gifts, or eminent scholars program must be deposited into the trust fund and invested pursuant to s.

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1 18.125 until the Board of Regents allocates the funds to
 2 universities to match private donations. Notwithstanding s.
 3 216.301 and pursuant to s. 216.351, any undisbursed balance
 4 remaining in the trust fund and interest income accruing to
 5 the portion of the trust fund which is not matched and
 6 distributed to universities must remain in the trust fund and
 7 be used to increase the total funds available for challenge
 8 grants. ~~The Board of Regents may authorize any university to~~
 9 ~~encumber the state matching portion of a challenge grant from~~
 10 ~~funds available under s. 240.272.~~

11 (2) The Board of Regents shall specify the process for
 12 submission, documentation, and approval of requests for
 13 matching funds, accountability for endowments and proceeds of
 14 endowments, allocations to universities, restrictions on the
 15 use of the proceeds from endowments, and criteria used in
 16 determining the value of donations.

17 (3)(a) The Board of Regents shall allocate the amount
 18 appropriated to the trust fund to the Board of Regents
 19 Foundation, each university, and New College based on the
 20 amount of the donation and the restrictions applied to the
 21 donation.

22 (b) Donations for a specific purpose must be matched
 23 in the following manner:

24 1. The Board of Regents Foundation and each university
 25 that raises at least \$100,000 but no more than \$999,999
 26 ~~\$599,999~~ from a private source must receive a matching grant
 27 equal to 50 percent of the private contribution.

28 ~~2. The Board of Regents Foundation and each university~~
 29 ~~that raises a contribution of at least \$600,000 but no more~~
 30 ~~than \$1 million from a private source must receive a matching~~
 31 ~~grant equal to 70 percent of the private contribution.~~

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1 ~~2.3.~~ The Board of Regents Foundation and each
 2 university that raises a contribution equal to or in excess of
 3 \$1 million but no more than ~~\$2,999,999~~ \$1.5 million from a
 4 private source must receive a matching grant equal to 60 ~~75~~
 5 percent of the private contribution.

6 ~~4.~~ ~~The Board of Regents Foundation and each university~~
 7 ~~that raises a contribution in excess of \$1.5 million but no~~
 8 ~~more than \$2 million from a private source must receive a~~
 9 ~~matching grant equal to 80 percent of the private~~
 10 ~~contribution.~~

11 ~~3.5.~~ The Board of Regents Foundation and each
 12 university that raises a contribution equal to or in excess of
 13 ~~\$3~~ \$2 million from a private source must receive a matching
 14 grant equal to 85 ~~100~~ percent of the private contribution.

15 4. The maximum amount of matching funds which may be
 16 used to match a single gift in any given year is \$3 million.
 17 The maximum total amount of matching funds which may be used
 18 to match any single gift is \$15 million, to be distributed in
 19 equal amounts of \$3 million per year over a period of 5 years,
 20 subject to the availability of funds.

21 (c) Notwithstanding subparagraphs (b)1.-3., if a
 22 university seeking matching funds under this section and a
 23 community college seeking matching funds under s. 240.36
 24 jointly endow a two-plus-two scholarship, the university shall
 25 receive matching funds on the same basis as the community
 26 college under s. 240.36(3). To be eligible for matching funds
 27 under this paragraph, the notification of receipt and deposit
 28 of private contributions for such purpose must be submitted
 29 jointly by a community college and a state university in
 30 increments of \$50,000, consisting of \$30,000 to the university
 31 from a single donor and \$20,000 to the community college, with

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1 a maximum of 50 scholarships per year being eligible for a
2 match. Five scholarships per year shall be reserved for each
3 state university until March 1, at which time any unmatched
4 funds shall be made available to universities and community
5 colleges under procedures established by the Board of Regents
6 and the State Board of Community Colleges.

7 ~~(c) The Board of Regents shall encumber state matching~~
8 ~~funds for any pledged contributions, pro rata, based on the~~
9 ~~requirements for state matching funds as specified for the~~
10 ~~particular challenge grant and the amount of the private~~
11 ~~donations actually received by the university or Board of~~
12 ~~Regents Foundation for the respective challenge grant.~~

13 (4) Matching funds may be provided for contributions
14 encumbered or pledged under the Florida Endowment Trust Fund
15 for Eminent Scholars Act prior to July 1, 1994, and for
16 donations or pledges of any amount equal to or in excess of
17 the prescribed minimums which are pledged for the purpose of
18 this section.

19 (5)(a) The Board of Regents Foundation, each
20 university foundation, and New College Foundation shall
21 establish a challenge grant account for each challenge grant
22 as a depository for private contributions and state matching
23 funds to be administered on behalf of the Board of Regents,
24 the university, or New College. State matching funds must be
25 transferred to a university foundation or New College
26 Foundation upon notification that the university or New
27 College has received and deposited the amount specified in
28 this section in a foundation challenge grant account.

29 (b) The foundation serving a university and New
30 College Foundation each has the responsibility for the
31 maintenance and investment of its challenge grant account and

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1 for the administration of the program on behalf of the
2 university or New College, pursuant to procedures specified by
3 the Board of Regents. Each foundation shall include in its
4 annual report to the Board of Regents information concerning
5 collection and investment of matching gifts and donations and
6 investment of the account.

7 (c) A donation of at least \$600,000 and associated
8 state matching funds may be used to designate an Eminent
9 Scholar Endowed Chair pursuant to procedures specified by the
10 Board of Regents.

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

15 (7) The Board of Regents Foundation may participate in
16 the same manner as a university foundation with regard to the
17 provisions of this section.

18 (8) For challenge grants for which state matching
19 funds are requested ~~Notwithstanding other provisions of this~~
20 ~~section, for the 1999-2000 fiscal year only, for gifts~~
21 ~~received during this period, the university presidents shall~~
22 annually provide a list to the Board of Regents of donations
23 from private donors for challenge grants, ~~new donations, major~~
24 ~~gifts, and the eminent scholars program to be matched for the~~
25 ~~1999-2000 fiscal year to the Board of Regents.~~ The listing
26 shall include, but need not be limited to, ~~contain~~ an
27 explanation of the donation, a statement of the specific
28 benefits accrued to the university as a result of the
29 donation, and how the donation is consistent with the mission
30 of the institution, as defined by the Board of Regents in its
31 most recent ~~the 1998-2003~~ Strategic Plan. The Board of Regents

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1 shall submit a report to the President of the Senate, the
2 Speaker of the House of Representatives, and the Governor by
3 January 15 of each year. The report, developed in consultation
4 with the Legislature, must include, but not be limited to, the
5 annual listing described in this subsection as well as
6 information regarding the expenditure of the proceeds of the
7 endowments for the previous year.~~University presidents shall~~
8 ~~rank each private donation to their university, giving highest~~
9 ~~priority to private donations that provide additional library~~
10 ~~resources to universities; donations that provide student~~
11 ~~assistance through scholarships, fellowships, or~~
12 ~~assistantships; donations that provide funding for existing~~
13 ~~academic programs at universities; and donations that meet the~~
14 ~~matching requirement without encumbering pledges. The Board of~~
15 ~~Regents, using the same criteria, shall develop a systemwide~~
16 ~~priority list and may set restrictions on the annual amount of~~
17 ~~matching funds provided for single donations that exceed \$5~~
18 ~~million.~~

19 Section 20. Present subsections (7) through (11) of
20 section 240.2601, Florida Statutes, are redesignated as
21 subsections (8) through (11), respectively, and a new
22 subsection (7) is added to that section to read:

23 240.2601 State University System Facility Enhancement
24 Challenge Grant Program.--

25 (7) For challenge grants for which state matching is
26 being requested, university presidents shall provide to the
27 Board of Regents a list of donations received from private
28 donors for the State University System Facility Enhancement
29 Challenge Grant Program. This listing shall contain an
30 explanation of the donation, a statement of the specific
31 benefits accrued to the university as a result of the

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1 donation, and the projected cost to the state for the
 2 operation and maintenance of the facility. The Board of
 3 Regents shall review and rank each private donation, giving
 4 highest priority to private donations that provide the
 5 financial resources for major renovations to existing
 6 facilities, particularly instructional facilities, and new
 7 space requirements as identified by the space utilization
 8 model. The listing shall be submitted by August 1 of each
 9 year.

10 Section 21. Donations received before July 1, 2000,
 11 shall be matched at the percentage level in effect on the date
 12 the gift was received. Any gift agreements signed and received
 13 by July 1, 1999, which were approved for payment over a period
 14 of up to 5 years are eligible for the level of match in effect
 15 when the agreement was received and initial payment was made.

16
 17 (Redesignate subsequent sections.)

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

21 And the title is amended as follows:

22 On page 33, line 15, after the semicolon,

23

24 insert:

25 amending s. 240.2605, F.S.; rescinding a
 26 provision that allows the Board of Regents to
 27 authorize a university to encumber the state
 28 matching portion of a challenge grant from
 29 funds available under s. 240.272, F.S. ;
 30 revising provisions that prescribe the manner
 31 in which donations from the trust fund must be

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matched; providing the maximum yearly amount
and the maximum total amount of matching funds
which may be used to match a single gift;
repealing an obsolete provision; amending s.
240.2601, F.S.; requiring a report to the Board
of Regents and a priority list; providing for
donations received prior to a specified date;