

By the Committees on Appropriations; Education; and Senator
Carlton

309-2689-04

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

1 of Art at the Florida State University Ringling
2 Center for Cultural Arts as the "John M. McKay
3 Visitors' Pavilion"; authorizing the erection
4 of suitable markers; creating the
5 Florida-Scripps Research Compact; providing an
6 appropriation; creating the Florida State
7 University Center for the Performing Arts
8 direct-support organization; providing an
9 effective date.

10

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

12

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

15 1009.531 Florida Bright Futures Scholarship Program;
16 student eligibility requirements for initial awards.--

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

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

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

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

30 Section 2. Section 1011.901, Florida Statutes, is
31 created to read:

1 1011.901 Incentive funding for targeted degree
2 production at state universities.--

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

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

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

19 (3) ALLOCATION OF INCENTIVE AWARDS FOR THE 2004-2005
20 FISCAL YEAR.--

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

27 (b) Prior to allocating any appropriated incentive
28 awards, the Board of Governors shall establish a base from the
29 2003-2004 full-time equivalent student enrollments in the
30 upper-level and graduate-level academic courses identified
31 pursuant to this subsection and taken by students who are

1 officially seeking an undergraduate or graduate degree in the
2 targeted academic disciplines identified pursuant to this
3 subsection.

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

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

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

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

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

7 Section 3. Subsections (15), (16), (17), and (18) are
8 added to section 1009.24, Florida Statutes, to read:

9 1009.24 State university student fees.--

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

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

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

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

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

18 2. Active duty military personnel.

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

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

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

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

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

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

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

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

16 2. Credit hours earned in remedial courses.

17 3. Credit hours earned in military science courses.

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

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

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

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

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

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

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

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

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

14 Section 4. Section 1011.94, Florida Statutes, is
15 amended to read:

16 1011.94 Trust Fund for University Major Gifts.--

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

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

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

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

29 (b) Donations from a private source must be for a
30 specific purpose to support university priorities as
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1 established by the university's board of trustees and must be
2 matched in the following manner:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 Section 5. James E. "Jim" and Linda King, Jr., Student
19 Union Building designated; University of North Florida to
20 erect suitable markers.--

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

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

28 Section 6. John M. McKay Visitors' Pavilion
29 designated; Florida State University to erect suitable
30 markers.--

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

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

8 Section 7. Section 1004.63, Florida Statutes, is
9 created to read:

10 1004.63 Florida-Scripps Research Compact.--

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

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

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

19 Section 8. There is appropriated from the General
20 Revenue Fund to the State Board of Education the sum of
21 \$250,000 in nonrecurring funds for the 2004-2005 fiscal year.
22 These funds shall be administered by the Board of Governors of
23 the State University System to support the activities of the
24 Florida-Scripps Research Compact and the Compact Research
25 Advisory Committee.

26 Section 9. Section 1004.451, Florida Statutes, is
27 created to read:

28 1004.451 Center for the Performing Arts direct-support
29 organization.--

30 (1) Florida State University shall create a
31 direct-support organization for the Florida State University

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

23 (2) The direct-support organization, operating under
24 its charter and bylaws, shall acquire from Florida State
25 University, own, and operate the Florida State University
26 Center for the Performing Arts, and shall promote a resident
27 professional repertory program to work in conjunction with,
28 complement, and support the conservatory's graduate
29 educational theater program of Florida State University in
30 Sarasota. It shall engage in fundraising to support its
31 activities and support the independent fundraising efforts of

1 the Asolo and the Conservatory for Actor Training. The
2 direct-support organization shall operate and maintain the
3 building in coordination with the Florida State University
4 Ringling Cultural Center. All agreements between Florida State
5 University and Asolo in force on the effective date of this
6 act shall remain binding on the parties.

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

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

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

27 (6) Florida State University shall transfer the Center
28 for the Performing Arts to the direct-support organization
29 when Florida State University has approved the charter and
30 bylaws of the direct-support organization.

31 Section 10. This act shall take effect July 1, 2004.

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill CS for SB 2884

4 The committee substitute creates the Florida Scripps Research
5 Compact. The compact is directed to facilitate and maximize
6 collaboration with Florida's postsecondary institutions with
7 the Scripps Research Institute. The CS appropriates \$250,000
8 in nonrecurring funds from the General Revenue Fund to the
9 State Board of Education for the 2004-2005 Fiscal Year, to
10 support the compact.

11 The CS creates a direct-support organization to own and
12 operate the Florida State University Center for the Performing
13 Arts.

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