

Bill No. CS for SB 1064

Barcode 381926

CHAMBER ACTION

Senate

House

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The Conference Committee on CS for SB 1064 recommended the following amendment:

Conference Committee Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsections (9) and (11) of section 1011.32, Florida Statutes, are amended to read:

1011.32 Community College Facility Enhancement Challenge Grant Program.--

(9) In order for a project to be eligible under this program, it must be survey recommended under the provisions of s. 1013.31 and included in the community college's 5-year capital improvement plan, and it must receive ~~prior~~ approval from the State Board of Education or the Legislature.

(11) Any private matching project funds for a project which ~~that~~ are unexpended after the ~~a~~ project is completed shall revert to the community college's direct-support organization capital facilities matching account. ~~Fifty percent of such unexpended funds shall be reserved for the~~

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1 ~~community college which originally received the private~~
 2 ~~contribution for the purpose of providing private matching~~
 3 ~~funds for future facility construction projects as provided in~~
 4 ~~this section.~~ The balance of any such unexpended state
 5 matching funds shall be returned to the fund from which those
 6 funds were appropriated ~~General Revenue Fund.~~

7 Section 2. Section 1013.79, Florida Statutes, is
 8 amended to read:

9 1013.79 University Facility Enhancement Challenge
 10 Grant Program.--

11 (1) The Legislature recognizes that the universities
 12 do not have sufficient physical facilities to meet the current
 13 demands of their instructional and research programs. It
 14 further recognizes that, to strengthen and enhance
 15 universities, it is necessary to provide facilities in
 16 addition to those currently available from existing revenue
 17 sources. It further recognizes that there are sources of
 18 private support that, if matched with state support, can
 19 assist in constructing much-needed facilities and strengthen
 20 the commitment of citizens and organizations in promoting
 21 excellence throughout the state universities. Therefore, it is
 22 the intent of the Legislature to establish a trust fund to
 23 provide the opportunity for each university to receive support
 24 for challenge grants for instructional and research-related
 25 capital facilities within the university.

26 (2) There is ~~hereby~~ established the Alec P. Courtelis
 27 University Facility Enhancement Challenge Grant Program for
 28 the purpose of assisting universities build high priority
 29 instructional and research-related capital facilities,
 30 including common areas connecting such facilities. The
 31 associated foundations that serve the universities shall

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1 solicit gifts from private sources to provide matching funds
2 for capital facilities. For the purposes of this act, private
3 sources of funds shall not include any federal, state, or
4 local government funds that a university may receive.

5 (3)(a) There is established the Alec P. Courtelis
6 Capital Facilities Matching Trust Fund to facilitate for the
7 purpose of providing matching funds from private contributions
8 for the development of high priority instructional and
9 research-related capital facilities, including common areas
10 connecting such facilities, within a university. All
11 appropriated funds deposited into the trust fund shall be
12 invested pursuant to s. 17.61. Interest income accruing to
13 that portion of the trust fund shall increase the total funds
14 available for the challenge grant program.

15 (b) Effective July 1, 2009, the Alec P. Courtelis
16 Capital Facilities Matching Trust Fund is terminated.

17 (c) The State Board of Education shall pay any
18 outstanding debts and obligations of the terminated fund as
19 soon as practicable, and the Chief Financial Officer shall
20 close out and remove the terminated funds from various state
21 accounting systems using generally accepted accounting
22 principles concerning warrants outstanding, assets, and
23 liabilities.

24 (d) By June 30, 2008, all private funds and associated
25 interest earnings held in the Alec P. Courtelis Capital
26 Facilities Matching Trust Fund shall be transferred to the
27 originating university's individual program account.

28 (4) Each university shall establish, pursuant to s.
29 1011.42, a facilities matching grant program account as a
30 depository for private contributions provided under this
31 section. Once a project is under contract, funds appropriated

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1 as state matching funds may be transferred to the university's
2 account once the Board of Governors certifies receipt of the
3 private matching funds pursuant to subsection (5). State funds
4 that are not needed as matching funds for the project for
5 which appropriated shall be transferred, together with any
6 accrued interest, back to the state fund from which such funds
7 were appropriated. The transfer of unneeded state funds shall
8 occur within 30 days after final completion of the project or
9 within 30 days after a determination that the project will not
10 be completed. The Legislature may appropriate funds to be
11 transferred to the trust fund. The Public Education Capital
12 Outlay and Debt Service Trust Fund or the, Capital Improvement
13 Trust Fund, Division of Sponsored Research Trust Fund, and
14 Contracts and Grants Trust Fund shall not be used as the
15 source of the state match for private contributions. All
16 appropriated funds deposited into the trust fund shall be
17 invested pursuant to the provisions of s. 17.61. Interest
18 income accruing to that portion of the trust fund shall
19 increase the total funds available for the challenge grant
20 program. Interest income accruing from the private donations
21 shall be returned to the participating foundation upon
22 completion of the project. The State Board of Education shall
23 administer the trust fund and all related construction
24 activities.

25 (5)(4) A ~~No~~ project may not ~~shall~~ be initiated unless
26 all private funds for planning, construction, and equipping
27 the facility have been received and deposited in the separate
28 university program account designated for this purpose ~~trust~~
29 ~~fund~~ and the state's share for the minimum amount of funds
30 needed to begin the project has been appropriated by the
31 Legislature. The Board of Governors shall establish a method

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1 for validating the receipt and deposit of private matching
2 funds. The Legislature may appropriate the state's matching
3 funds in one or more fiscal years for the planning,
4 construction, and equipping of an eligible facility. However,
5 these requirements shall not preclude the university from
6 expending available funds from private sources to develop a
7 prospectus, including preliminary architectural schematics or
8 ~~and/or~~ models, for use in its efforts to raise private funds
9 for a facility. Additionally, any private sources of funds
10 expended for this purpose are eligible for state matching
11 funds should the project materialize as provided for in this
12 section.

13 ~~(6)(5)~~ To be eligible to participate in the Alec P.
14 Courtelis University Facility Enhancement Challenge Grant
15 Program ~~Capital Facilities Matching Trust Fund~~, a university
16 shall raise a contribution equal to one-half of the total cost
17 of a facilities construction project from private
18 nongovernmental sources which shall be matched by a state
19 appropriation equal to the amount raised for a facilities
20 construction project subject to the General Appropriations
21 Act.

22 ~~(7)(6)~~ If the state's share of the required match is
23 insufficient to meet the requirements of subsection ~~(6)~~ ~~(5)~~,
24 the university shall renegotiate the terms of the contribution
25 with the donors. If the project is terminated, each private
26 donation, plus accrued interest, reverts to the foundation for
27 remittance to the donor.

28 ~~(8)(7)~~ By October ~~September~~ 1 of each year, the ~~State~~
29 Board of Governors ~~Education~~ shall transmit to the Legislature
30 a list of projects that ~~which~~ meet all eligibility
31 requirements to participate in the Alec P. Courtelis

1 University Facility Enhancement Challenge Grant Program

2 ~~Capital Facilities Matching Trust Fund~~ and a budget request
3 that ~~which~~ includes the recommended schedule necessary to
4 complete each project.

5 ~~(9)(8)~~ In order for a project to be eligible under
6 this program, it must be included in the university 5-year
7 capital improvement plan and must receive ~~prior~~ approval from
8 the ~~State~~ Board of Governors or ~~Education~~ and the Legislature.

9 ~~(10)(9)~~ A ~~No~~ university's project may not ~~shall~~ be
10 removed from the approved 3-year PECO priority list because of
11 its successful participation in this program until approved by
12 the Legislature and provided for in the General Appropriations
13 Act. When such a project is completed and removed from the
14 list, all other projects shall move up on the 3-year PECO
15 priority list. A university shall not use PECO funds,
16 including the Capital Improvement Trust Fund fee and the
17 building fee, to complete a project under this section.

18 ~~(10)~~ ~~Any project funds that are unexpended after a~~
19 ~~project is completed shall revert to the Capital Facilities~~
20 ~~Matching Trust Fund. Fifty percent of such unexpended funds~~
21 ~~shall be reserved for the university which originally received~~
22 ~~the private contribution for the purpose of providing private~~
23 ~~matching funds for future facility construction projects as~~
24 ~~provided in this section. The balance of such unexpended funds~~
25 ~~shall be available to any state university for future facility~~
26 ~~construction projects conducted pursuant to this section.~~

27 (11) The surveys, architectural plans, facility, and
28 equipment shall be the property of the State of Florida. A
29 facility constructed pursuant to this section may be named in
30 honor of a donor at the option of the university and the ~~State~~
31 Board of Governors ~~Education~~. No facility shall be named after

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1 a living person without prior approval by the Legislature.

2 Section 3. This act shall take effect July 1, 2007.

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

6 And the title is amended as follows:

7 Delete everything before the enacting clause

8

9 and insert:

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A bill to be entitled

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An act relating to facility enhancement

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challenge grant programs; amending s. 1011.32,

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F.S., relating to the Community College

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Facility Enhancement Challenge Grant Program;

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requiring that a project be approved by the

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State Board of Education or the Legislature;

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requiring that unexpended private matching

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funds revert to the direct-support organization

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capital facilities matching account of the

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community college; requiring that unexpended

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state matching funds revert to the trust fund

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from which the funds were appropriated;

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amending s. 1013.79, F.S., relating to the

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University Facility Enhancement Challenge Grant

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Program; providing for the future termination

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of the Alec P. Courtelis Capital Facilities

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Matching Trust Fund; prescribing procedures for

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terminating the trust fund; requiring each

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state university to establish a facilities

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matching grant program account for the deposit

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of private contributions; providing for the

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1 transfer of state funds with respect to the
2 account; removing certain sources of state
3 funds for use in matching private
4 contributions; requiring the Board of Governors
5 of the State University System to establish a
6 method for validating the receipt and deposit
7 of private matching funds; requiring the Board
8 of Governors rather than the State Board of
9 Education to approve projects under the Alec P.
10 Courtelis University Facility Enhancement
11 Challenge Grant Program; deleting provisions
12 providing for the reversion of trust fund
13 moneys to conform to changes made by the act;
14 providing for the Board of Governors to approve
15 the naming of a facility in honor of a donor;
16 providing an effective date.

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