

1                                   A bill to be entitled  
2           An act relating to facility enhancement  
3           challenge grant programs; amending s. 1011.32,  
4           F.S., relating to the Community College  
5           Facility Enhancement Challenge Grant Program;  
6           requiring that a project be approved by the  
7           State Board of Education or the Legislature;  
8           requiring that unexpended private matching  
9           funds revert to the direct-support organization  
10          capital facilities matching account of the  
11          community college; requiring that unexpended  
12          state matching funds revert to the trust fund  
13          from which the funds were appropriated;  
14          amending s. 1013.79, F.S., relating to the  
15          University Facility Enhancement Challenge Grant  
16          Program; providing for the future termination  
17          of the Alec P. Courtelis Capital Facilities  
18          Matching Trust Fund; prescribing procedures for  
19          terminating the trust fund; requiring each  
20          state university to establish a facilities  
21          matching grant program account for the deposit  
22          of private contributions; providing for the  
23          transfer of state funds with respect to the  
24          account; removing certain sources of state  
25          funds for use in matching private  
26          contributions; requiring the Board of Governors  
27          of the State University System to establish a  
28          method for validating the receipt and deposit  
29          of private matching funds; requiring the Board  
30          of Governors rather than the State Board of  
31          Education to approve projects under the Alec P.

1           Courtelis University Facility Enhancement  
 2           Challenge Grant Program; deleting provisions  
 3           providing for the reversion of trust fund  
 4           moneys to conform to changes made by the act;  
 5           providing for the Board of Governors to approve  
 6           the naming of a facility in honor of a donor;  
 7           providing an effective date.

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 9 Be It Enacted by the Legislature of the State of Florida:  
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11           Section 1. Subsections (9) and (11) of section  
 12 1011.32, Florida Statutes, are amended to read:

13           1011.32 Community College Facility Enhancement  
 14 Challenge Grant Program.--

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

20           (11) Any private matching project funds for a project  
 21 which that are unexpended after the a project is completed  
 22 shall revert to the community college's direct-support  
 23 organization capital facilities matching account. ~~Fifty~~  
 24 ~~percent of such unexpended funds shall be reserved for the~~  
 25 ~~community college which originally received the private~~  
 26 ~~contribution for the purpose of providing private matching~~  
 27 ~~funds for future facility construction projects as provided in~~  
 28 ~~this section.~~ The balance of any such unexpended state  
 29 matching funds shall be returned to the fund from which those  
 30 funds were appropriated ~~General Revenue Fund~~.

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

3           1013.79 University Facility Enhancement Challenge  
4 Grant Program.--

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

20           (2) There is ~~hereby~~ established the Alec P. Courtelis  
21 University Facility Enhancement Challenge Grant Program for  
22 the purpose of assisting universities build high priority  
23 instructional and research-related capital facilities,  
24 including common areas connecting such facilities. The  
25 associated foundations that serve the universities shall  
26 solicit gifts from private sources to provide matching funds  
27 for capital facilities. For the purposes of this act, private  
28 sources of funds shall not include any federal, state, or  
29 local government funds that a university may receive.

30           (3)(a) There is established the Alec P. Courtelis  
31 Capital Facilities Matching Trust Fund to facilitate ~~for the~~

1 ~~purpose of providing matching funds from private contributions~~  
2 ~~for~~ the development of high priority instructional and  
3 research-related capital facilities, including common areas  
4 connecting such facilities, within a university. All  
5 appropriated funds deposited into the trust fund shall be  
6 invested pursuant to s. 17.61. Interest income accruing to  
7 that portion of the trust fund shall increase the total funds  
8 available for the challenge grant program.

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

11 (c) The State Board of Education shall pay any  
12 outstanding debts and obligations of the terminated fund as  
13 soon as practicable, and the Chief Financial Officer shall  
14 close out and remove the terminated funds from various state  
15 accounting systems using generally accepted accounting  
16 principles concerning warrants outstanding, assets, and  
17 liabilities.

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

22 (4) Each university shall establish, pursuant to s.  
23 1011.42, a facilities matching grant program account as a  
24 depository for private contributions provided under this  
25 section. Once a project is under contract, funds appropriated  
26 as state matching funds may be transferred to the university's  
27 account once the Board of Governors certifies receipt of the  
28 private matching funds pursuant to subsection (5). State funds  
29 that are not needed as matching funds for the project for  
30 which appropriated shall be transferred, together with any  
31 accrued interest, back to the state fund from which such funds

1 were appropriated. The transfer of unneeded state funds shall  
 2 occur within 30 days after final completion of the project or  
 3 within 30 days after a determination that the project will not  
 4 be completed. The Legislature may appropriate funds to be  
 5 ~~transferred to the trust fund.~~ The Public Education Capital  
 6 Outlay and Debt Service Trust Fund or the, Capital Improvement  
 7 Trust Fund, ~~Division of Sponsored Research Trust Fund, and~~  
 8 ~~Contracts and Grants Trust Fund~~ shall not be used as the  
 9 source of the state match for private contributions. ~~All~~  
 10 ~~appropriated funds deposited into the trust fund shall be~~  
 11 ~~invested pursuant to the provisions of s. 17.61. Interest~~  
 12 ~~income accruing to that portion of the trust fund shall~~  
 13 ~~increase the total funds available for the challenge grant~~  
 14 ~~program.~~ Interest income accruing from the private donations  
 15 shall be returned to the participating foundation upon  
 16 completion of the project. ~~The State Board of Education shall~~  
 17 ~~administer the trust fund and all related construction~~  
 18 ~~activities.~~

19       (5)(4) A ~~No~~ project may not ~~shall~~ be initiated unless  
 20 all private funds for planning, construction, and equipping  
 21 the facility have been received and deposited in the separate  
 22 university program account designated for this purpose ~~trust~~  
 23 ~~fund~~ and the state's share for the minimum amount of funds  
 24 needed to begin the project has been appropriated by the  
 25 Legislature. The Board of Governors shall establish a method  
 26 for validating the receipt and deposit of private matching  
 27 funds. The Legislature may appropriate the state's matching  
 28 funds in one or more fiscal years for the planning,  
 29 construction, and equipping of an eligible facility. However,  
 30 these requirements shall not preclude the university from  
 31 expending available funds from private sources to develop a

1 prospectus, including preliminary architectural schematics or  
 2 ~~and/or~~ models, for use in its efforts to raise private funds  
 3 for a facility. Additionally, any private sources of funds  
 4 expended for this purpose are eligible for state matching  
 5 funds should the project materialize as provided for in this  
 6 section.

7 ~~(6)(5)~~ To be eligible to participate in the Alec P.  
 8 Courtelis University Facility Enhancement Challenge Grant  
 9 Program ~~Capital Facilities Matching Trust Fund~~, a university  
 10 shall raise a contribution equal to one-half of the total cost  
 11 of a facilities construction project from private  
 12 nongovernmental sources which shall be matched by a state  
 13 appropriation equal to the amount raised for a facilities  
 14 construction project subject to the General Appropriations  
 15 Act.

16 ~~(7)(6)~~ If the state's share of the required match is  
 17 insufficient to meet the requirements of subsection ~~(6)(5)~~,  
 18 the university shall renegotiate the terms of the contribution  
 19 with the donors. If the project is terminated, each private  
 20 donation, plus accrued interest, reverts to the foundation for  
 21 remittance to the donor.

22 ~~(8)(7)~~ By October ~~September~~ 1 of each year, the ~~State~~  
 23 Board of Governors Education shall transmit to the Legislature  
 24 a list of projects that ~~which~~ meet all eligibility  
 25 requirements to participate in the Alec P. Courtelis  
 26 University Facility Enhancement Challenge Grant Program  
 27 ~~Capital Facilities Matching Trust Fund~~ and a budget request  
 28 that ~~which~~ includes the recommended schedule necessary to  
 29 complete each project.

30 ~~(9)(8)~~ In order for a project to be eligible under  
 31 this program, it must be included in the university 5-year

1 capital improvement plan and must receive ~~prior~~ approval from  
2 the State Board of Governors or Education and the Legislature.

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

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

21 (11) The surveys, architectural plans, facility, and  
22 equipment shall be the property of the State of Florida. A  
23 facility constructed pursuant to this section may be named in  
24 honor of a donor at the option of the university and the State  
25 Board of Governors Education. No facility shall be named after  
26 a living person without prior approval by the Legislature.

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