

1 A bill to be entitled
2 An act relating to trust funds; terminating
3 specified trust funds within the Board of
4 Governors of the State University System;
5 providing for the disposition of balances in
6 and revenues of such trust funds; prescribing
7 procedures for the termination of such trust
8 funds; amending s. 1011.94, F.S.; redesignating
9 the Trust Fund for University Major Gifts as
10 the "University Major Gifts Program"; providing
11 the purpose of the program; providing for the
12 use of funds; modifying specified trust funds
13 within the Board of Governors of the State
14 University System; amending ss. 267.173,
15 1004.45, and 1009.74, F.S., relating to the
16 University Major Gifts Program; conforming
17 provisions to changes made by the act;
18 providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. (1) The following trust funds within the
23 Board of Governors of the State University System are
24 terminated:

25 (a) Grants and Donations Trust Fund, FLAIR number
26 49-2-153.

27 (b) Engineering Industrial Experiment Station Trust
28 Fund, FLAIR number 49-2-186.

29 (c) Experiment Station Federal Grant Trust Fund, FLAIR
30 number 49-2-207.

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- 1 (d) Experiment Station Incidental Trust Fund, FLAIR
2 number 49-2-210.
- 3 (e) Extension Service Federal Grant Trust Fund, FLAIR
4 number 49-2-216.
- 5 (f) Extension Service Incidental Trust Fund, FLAIR
6 number 49-2-219.
- 7 (g) Auxiliary Trust Fund, FLAIR number 49-2-330.
- 8 (h) University of Florida Health Sciences Center
9 Incidental Trust Fund, FLAIR number 49-2-381.
- 10 (i) University of Florida Health Sciences Center
11 Operations and Maintenance Trust Fund, FLAIR number 49-2-424.
- 12 (j) Sponsored Research Trust Fund, FLAIR number
13 49-2-655.
- 14 (k) Institute of Food and Agriculture Sciences
15 Relocation and Reconstruction Trust Fund, FLAIR number
16 48-2-395.
- 17 (l) Institute of Food and Agriculture Sciences
18 Relocation and Reconstruction Trust Fund, FLAIR number
19 49-2-395.
- 20 (m) Capital Improvement Fee Trust Fund, FLAIR number
21 49-2-071.
- 22 (n) State University System Concurrency Trust Fund,
23 FLAIR number 49-2-682.
- 24 (o) Major Gifts Trust Fund, FLAIR number 49-2-483.
- 25 (p) State University System Construction Trust Fund,
26 FLAIR number 49-2-137. All current cash balances remaining in,
27 and all revenues of, the fund shall be transferred to the
28 Public Education and Capital Outlay and Debt Service Trust
29 Fund, FLAIR number 48-2-555.
- 30 (q) Educational Enhancement Trust Fund, FLAIR number
31 49-2-178.

1 (r) Developmental Research School Trust Fund, FLAIR
 2 number 49-2-999.

3 (2) Unless otherwise provided, all current balances
 4 remaining in, and all revenues of, the trust funds terminated
 5 by this act shall be transferred to the General Revenue Fund.

6 (3) For each trust fund terminated by this act, the
 7 agency that administers the trust fund shall pay any
 8 outstanding debts and obligations of the terminated fund as
 9 soon as practicable, and the Chief Financial Officer shall
 10 close out and remove the terminated fund from the various
 11 state accounting systems using generally accepted accounting
 12 principles concerning warrants outstanding, assets, and
 13 liabilities.

14 Section 2. Section 1011.94, Florida Statutes, is
 15 amended to read:

16 1011.94 ~~Trust Fund for~~ University Major Gifts
 17 Program--

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

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

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

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

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

30 1. Each university that raises at least \$100,000 but
31 no more than \$599,999 from a private source must receive a

1 matching grant equal to 50 percent of the private
2 contribution.

3 2. Each university that raises a contribution of at
4 least \$600,000 but no more than \$1 million from a private
5 source must receive a matching grant equal to 70 percent of
6 the private contribution.

7 3. Each university that raises a contribution in
8 excess of \$1 million but no more than \$1.5 million from a
9 private source must receive a matching grant equal to 75
10 percent of the private contribution.

11 4. Each university that raises a contribution in
12 excess of \$1.5 million but no more than \$2 million from a
13 private source must receive a matching grant equal to 80
14 percent of the private contribution.

15 5. Each university that raises a contribution in
16 excess of \$2 million from a private source must receive a
17 matching grant equal to 100 percent of the private
18 contribution.

19 (c) The State Board of Education shall encumber state
20 matching funds for any pledged contributions, pro rata, based
21 on the requirements for state matching funds as specified for
22 the particular challenge grant and the amount of the private
23 donations actually received by the university for the
24 respective challenge grant.

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

30 (5)(a) Each university foundation and New College
31 Foundation shall establish a challenge grant account for each

1 challenge grant as a depository for private contributions and
2 state matching funds to be administered on behalf of the State
3 Board of Education, the university, or New College. State
4 matching funds must be transferred to a university foundation
5 or New College Foundation upon notification that the
6 university or New College has received and deposited the
7 amount specified in this section in a foundation challenge
8 grant account.

9 (b) The foundation serving a university and New
10 College Foundation each has the responsibility for the
11 maintenance and investment of its challenge grant account and
12 for the administration of the program on behalf of the
13 university or New College, pursuant to procedures specified by
14 the State Board of Education. Each foundation shall include in
15 its annual report to the State Board of Education information
16 concerning collection and investment of matching gifts and
17 donations and investment of the account.

18 (c) A donation of at least \$600,000 and associated
19 state matching funds may be used to designate an Eminent
20 Scholar Endowed Chair pursuant to procedures specified by the
21 State Board of Education.

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

26 Section 3. The following trust funds within the Board
27 of Governors of the State University System are modified:

28 (1) Uniform Payroll Trust Fund, from FLAIR number
29 49-2-766 to 48-2-766.

30 (2) Ancillary Facilities Construction Trust Fund, from
31 FLAIR number 49-2-026 to 48-2-026.

- 1 (3) Law Enforcement Trust Fund, from FLAIR number
- 2 49-2-434 to 48-2-434.
- 3 (4) Phosphate Research Trust Fund, from FLAIR number
- 4 49-2-530 to 48-2-530.
- 5 (5) Replacement Trust Fund, from FLAIR number 49-2-580
- 6 to 48-2-580.
- 7 (6) Capital Facilities Matching Trust Fund, from FLAIR
- 8 number 49-2-070 to 48-2-070.
- 9 (7) Student and Other Fees Trust Fund, from FLAIR
- 10 number 49-2-164 to 48-2-164.
- 11 (8) Operations and Maintenance Trust Fund, from FLAIR
- 12 number 49-2-516 to 48-2-516.
- 13 (9) Building Fee Trust Fund, from FLAIR number
- 14 49-2-064 to 48-2-064.

15 Section 4. Subsection (8) of section 267.173, Florida
 16 Statutes, is amended to read:

17 267.173 Historic preservation in West Florida; goals;
 18 contracts for historic preservation; powers and duties.--

19 (8) Notwithstanding any other provision of law, the
 20 University of West Florida and its direct-support organization
 21 are eligible to match state funds in the ~~Trust Fund for~~
 22 University Major Gifts Program established pursuant to s.
 23 1011.94.

24 Section 5. Paragraph (j) of subsection (2) of section
 25 1004.45, Florida Statutes, is amended to read:

26 1004.45 Ringling Center for Cultural Arts.--

27 (2)

28 (j) Notwithstanding any other provision of law, the
 29 John and Mable Ringling Museum of Art direct-support
 30 organization is eligible to match state funds in the ~~Trust~~

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1 ~~Fund for~~ University Major Gifts Program established pursuant
2 to s. 1011.94 as follows:

3 1. For the first \$1,353,750, matching shall be on the
4 basis of 75 cents in state matching for each dollar of private
5 funds.

6 2. For additional funds, matching shall be provided on
7 the same basis as is authorized in s. 1011.94.

8 Section 6. Subsections (1) and (2) of section 1009.74,
9 Florida Statutes, are amended to read:

10 1009.74 The Theodore R. and Vivian M. Johnson
11 Scholarship Program.--

12 (1) There is established the Theodore R. and Vivian M.
13 Johnson Scholarship Program to be administered by the
14 Department of Education. The program shall provide
15 scholarships to students attending a state university. The
16 program shall be funded by contributions from the Theodore R.
17 and Vivian M. Johnson Scholarship Foundation and from state
18 matching funds to be allocated from the ~~Trust Fund for~~
19 University Major Gifts Program.

20 (2) The amount to be allocated to the program shall be
21 on the basis of a 50-percent match of funds from the ~~Trust~~
22 ~~Fund for~~ University Major Gifts Program for each contribution
23 received from the Theodore R. and Vivian M. Johnson
24 Scholarship Foundation. The funds allocated to the program,
25 including the corpus and interest income, shall be expended
26 for scholarships to benefit disabled students attending a
27 state university.

28 Section 7. This act shall take effect July 1, 2007.

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