

1 A bill to be entitled
 2 An act relating to trust funds; terminating specified
 3 trust funds within the Board of Governors of the State
 4 University System; providing for the disposition of
 5 balances in and revenues of such trust funds; prescribing
 6 procedures for the termination of such trust funds;
 7 amending s. 1011.94, F.S.; redesignating the Trust Fund
 8 for University Major Gifts as the University Major Gifts
 9 Program; providing for purpose of the program; providing
 10 requirements of the State Board of Education with respect
 11 to administration of the program and the allocation of
 12 funds; providing requirements of university and New
 13 College foundations; providing restrictions on the
 14 expenditure of program funds; amending ss. 267.173,
 15 1004.45, and 1009.74, F.S., to conform; modifying
 16 specified trust funds within the Board of Governors of the
 17 State University System; providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

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

23 (a) Contracts, Grants and Donations Trust Fund, FLAIR
 24 number 49-2-153.

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

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

29 (d) Experiment Station Incidental Trust Fund, FLAIR number
 30 49-2-210.

31 (e) Extension Service Federal Grant Trust Fund, FLAIR
 32 number 49-2-216.

33 (f) Extension Service Incidental Trust Fund, FLAIR number
 34 49-2-219.

35 (g) Auxiliary Trust Fund, FLAIR number 49-2-330.

36 (h) University of Florida Health Sciences Center
 37 Incidental Trust Fund, FLAIR number 49-2-381.

38 (i) University of Florida Health Center Operations and
 39 Maintenance Trust Fund, FLAIR number 49-2-424.

40 (j) Division of Sponsored Research Trust Fund, FLAIR
 41 number 49-2-655.

42 (k) University of Florida Institute of Food and
 43 Agricultural Sciences Relocation and Reconstruction Trust Fund,
 44 FLAIR number 48-2-395.

45 (l) University of Florida Institute of Food and
 46 Agricultural Sciences Relocation and Construction Trust Fund,
 47 FLAIR number 49-2-395.

48 (m) Capital Improvement Fee Trust Fund, FLAIR number 49-2-
 49 071.

50 (n) University Concurrency Trust Fund, FLAIR number 49-2-
 51 682.

52 (o) Trust Fund for University Major Gifts, FLAIR number
 53 49-2-483.

54 (p) State University System Construction Trust Fund, FLAIR
 55 number 49-2-137. All current cash balances remaining in, and all
 56 revenues of, the fund shall be transferred to the Public

57 Education Capital Outlay and Debt Service Trust Fund, FLAIR
 58 number 48-2-555.

59 (q) Educational Enhancement Trust Fund, FLAIR number 49-2-
 60 178.

61 (r) Developmental Research School Trust Fund, FLAIR number
 62 49-2-999.

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

66 (3) For each trust fund terminated by this act, the agency
 67 that administers the trust fund shall pay any outstanding debts
 68 and obligations of the terminated fund as soon as practicable,
 69 and the Chief Financial Officer shall close out and remove the
 70 terminated fund from the various state accounting systems using
 71 generally accepted accounting principles concerning warrants
 72 outstanding, assets, and liabilities.

73 Section 2. Section 1011.94, Florida Statutes, is amended
 74 to read:

75 1011.94 ~~Trust Fund for~~ University Major Gifts Program.--

76 (1) There is established a ~~Trust Fund for~~ University Major
 77 Gifts Program. The purpose of the program ~~trust fund~~ is to
 78 enable each university and New College to provide donors with an
 79 incentive in the form of matching grants for donations for the
 80 establishment of permanent endowments and sales tax exemption
 81 matching funds received pursuant to s. 212.08(5)(j), which must
 82 be invested, with the proceeds of the investment used to support
 83 libraries and instruction and research programs, as defined by
 84 the State Board of Education. ~~All funds appropriated for the~~

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~~challenge grants, new donors, major gifts, sales tax exemption matching funds pursuant to s. 212.08(5)(j), or eminent scholars program may be deposited into the trust fund and invested pursuant to s. 17.61 until the State Board of Education allocates the funds to universities to match private donations. Notwithstanding s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund and interest income accruing to the portion of the trust fund which is not matched and distributed to universities must remain in the trust fund and be used to increase the total funds available for challenge grants. Funds deposited in the trust fund for the sales tax exemption matching program authorized in s. 212.08(5)(j), and interest earnings thereon, shall be maintained in a separate account within the Trust Fund for University Major Gifts, and may be used only to match qualified sales tax exemptions that a certified business designates for use by state universities and community colleges to support research and development projects requested by the certified business. The State Board of Education may authorize any university to encumber the state matching portion of a challenge grant from funds available under s. 1011.45.~~

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

(3) (a) The State Board of Education shall allocate the

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113 amount appropriated to ~~the trust fund~~ to each university and New
114 College based on the amount of the donation and the restrictions
115 applied to the donation.

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

118 1. Each university that raises at least \$100,000 but no
119 more than \$599,999 from a private source must receive a matching
120 grant equal to 50 percent of the private contribution.

121 2. Each university that raises a contribution of at least
122 \$600,000 but no more than \$1 million from a private source must
123 receive a matching grant equal to 70 percent of the private
124 contribution.

125 3. Each university that raises a contribution in excess of
126 \$1 million but no more than \$1.5 million from a private source
127 must receive a matching grant equal to 75 percent of the private
128 contribution.

129 4. Each university that raises a contribution in excess of
130 \$1.5 million but no more than \$2 million from a private source
131 must receive a matching grant equal to 80 percent of the private
132 contribution.

133 5. Each university that raises a contribution in excess of
134 \$2 million from a private source must receive a matching grant
135 equal to 100 percent of the private contribution.

136 (c) The State Board of Education shall encumber state
137 matching funds for any pledged contributions, pro rata, based on
138 the requirements for state matching funds as specified for the
139 particular challenge grant and the amount of the private
140 donations actually received by the university for the respective

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141 challenge grant.

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

147 (5) (a) Each university foundation and New College
148 Foundation shall establish a challenge grant account for each
149 challenge grant as a depository for private contributions and
150 state matching funds to be administered on behalf of the State
151 Board of Education, the university, or New College. State
152 matching funds must be transferred to a university foundation or
153 New College Foundation upon notification that the university or
154 New College has received and deposited the amount specified in
155 this section in a foundation challenge grant account.

156 (b) The foundation serving a university and New College
157 Foundation each has the responsibility for the maintenance and
158 investment of its challenge grant account and for the
159 administration of the program on behalf of the university or New
160 College, pursuant to procedures specified by the State Board of
161 Education. Each foundation shall include in its annual report to
162 the State Board of Education information concerning collection
163 and investment of matching gifts and donations and investment of
164 the account.

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

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

173 Section 3. Subsection (8) of section 267.173, Florida
 174 Statutes, is amended to read:

175 267.173 Historic preservation in West Florida; goals;
 176 contracts for historic preservation; powers and duties.--

177 (8) Notwithstanding any other provision of law, the
 178 University of West Florida and its direct-support organization
 179 are eligible to match state funds in the ~~Trust Fund for~~
 180 University Major Gifts Program established pursuant to s.
 181 1011.94.

182 Section 4. Paragraph (j) of subsection (2) of section
 183 1004.45, Florida Statutes, is amended to read:

184 1004.45 Ringling Center for Cultural Arts.--

185 (2)

186 (j) Notwithstanding any other provision of law, the John
 187 and Mable Ringling Museum of Art direct-support organization is
 188 eligible to match state funds in the ~~Trust Fund for~~ University
 189 Major Gifts Program established pursuant to s. 1011.94 as
 190 follows:

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

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

196 Section 5. Subsections (1) and (2) of section 1009.74,

197 Florida Statutes, are amended to read:

198 1009.74 The Theodore R. and Vivian M. Johnson Scholarship
199 Program.--

200 (1) There is established the Theodore R. and Vivian M.
201 Johnson Scholarship Program to be administered by the Department
202 of Education. The program shall provide scholarships to students
203 attending a state university. The program shall be funded by
204 contributions from the Theodore R. and Vivian M. Johnson
205 Scholarship Foundation and from state matching funds to be
206 allocated from the ~~Trust Fund for~~ University Major Gifts
207 Program.

208 (2) The amount to be allocated to the program shall be on
209 the basis of a 50-percent match of funds from the ~~Trust Fund for~~
210 University Major Gifts Program for each contribution received
211 from the Theodore R. and Vivian M. Johnson Scholarship
212 Foundation. The funds allocated to the program, including the
213 corpus and interest income, shall be expended for scholarships
214 to benefit disabled students attending a state university.

215 Section 6. The following trust funds within the Board of
216 Governors of the State University System are modified:

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

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

221 (3) State University System Law Enforcement Trust Fund,
222 from FLAIR number 49-2-434 to 48-2-434.

223 (4) Phosphate Research Trust Fund, from FLAIR number 49-2-
224 530 to 48-2-530.

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225 (5) State University System Replacement Trust Fund, from
 226 FLAIR number 49-2-580 to 48-2-580.

227 (6) Alec P. Courtelis Capital Facilities Matching Trust
 228 Fund, from FLAIR number 49-2-070 to 48-2-070.

229 (7) Education and General Student and Other Fees Trust
 230 Fund, from FLAIR number 49-2-164 to 48-2-164.

231 (8) Board of Regents Operations and Maintenance Trust
 232 Fund, from FLAIR number 49-2-516 to 48-2-516.

233 (9) Division of Universities Building Fee Trust Fund, from
 234 FLAIR number 49-2-064 to 48-2-064.

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