



683480

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/07/2009	.	
	.	
	.	
	.	

The Policy and Steering Committee on Ways and Means (Lynn)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 855 - 964
and insert:

Section 21. Effective upon this act becoming a law
subsection (5) of section 1011.32, Florida Statutes, is amended
to read:

1011.32 Community College Facility Enhancement Challenge
Grant Program.—

(5) A project may not be initiated unless all private funds
for planning, construction, and equipping the facility have been



683480

12 received and deposited in the direct-support organization's
13 matching account for this purpose and the state's share for the
14 minimum amount of funds needed to begin the project has been
15 appropriated by the Legislature. However, this requirement does
16 not preclude the community college or direct-support
17 organization from expending available funds from private sources
18 to develop a prospectus, including preliminary architectural
19 schematics or models, for use in its efforts to raise private
20 funds for a facility and for site preparation, planning, and
21 construction. Such facilities are not eligible to be submitted
22 for state support for operations until the state matching funds
23 have been provided. The Legislature may appropriate the state's
24 matching funds in one or more fiscal years for the planning,
25 construction, and equipping of an eligible facility. Each
26 community college shall notify all donors of private funds of a
27 substantial delay in the availability of state matching funds
28 for this program. However, these requirements shall not preclude
29 the community college or direct-support organization from
30 expending available funds from private sources to develop a
31 prospectus, including preliminary architectural schematics
32 and/or models, for use in its efforts to raise private funds for
33 a facility. Additionally, any private sources of funds expended
34 for this purpose are eligible for state matching funds should
35 the project materialize as provided for in this section.

36 Section 22. Subsection (4) of section 1011.83, Florida
37 Statutes, is amended to read:

38 1011.83 Financial support of community colleges.—

39 (4) State ~~policy for funding~~ for baccalaureate degree
40 programs approved pursuant to s. 1007.33 shall be as provided in



683480

41 ~~the General Appropriations Act to limit state support for~~
42 ~~recurring operating purposes to no more than 85 percent of the~~
43 ~~amount of state expenditures for direct instruction per credit~~
44 ~~hour in upper-level state university programs. A community~~
45 ~~college may temporarily exceed this limit due to normal~~
46 ~~enrollment fluctuations or unforeseeable circumstances or while~~
47 ~~phasing in new programs. This subsection does not authorize the~~
48 ~~Department of Education to withhold legislative appropriations~~
49 ~~to any community college.~~

50 Section 23. Subsection (12) is added to section 1011.85,
51 Florida Statutes, to read:

52 1011.85 Dr. Philip Benjamin Matching Grant Program for
53 Community Colleges.—

54 (12) Each community college shall notify all donors of
55 private funds of a substantial delay in the availability of
56 state matching funds for this program.

57 Section 24. Subsection (7) is added to section 1011.94,
58 Florida Statutes, to read:

59 1011.94 University Major Gifts Program.—

60 (7) Each university shall notify all donors of private
61 funds of a substantial delay in the availability of state
62 matching funds for this program.

63 Section 25. Section 1012.83, Florida Statutes, is amended
64 to read:

65 1012.83 Contracts with administrative and instructional
66 staff.—

67 (1) Each person employed in an administrative or
68 instructional capacity in a community college shall be entitled
69 to a contract as provided by rules of the State Board of



683480

70 Education.

71 (2) A community college board of trustees may not enter
72 into an employment contract that requires the community college
73 to pay an employee an amount from appropriated state funds in
74 excess of 1 year of the employee's annual salary for
75 termination, buy-out, or any other type of contract settlement.
76 This subsection does not prohibit the payment of leave and
77 benefits accrued by the employee in accordance with the
78 community college's leave and benefits policies before the
79 contract terminates.

80 Section 26. Effective upon this act becoming a law
81 subsection (5) of section 1013.79, Florida Statutes, is amended
82 to read:

83 1013.79 University Facility Enhancement Challenge Grant
84 Program.—

85 (5) A project may not be initiated unless all private funds
86 for planning, construction, and equipping the facility have been
87 received and deposited in the separate university program
88 account designated for this purpose. However, these requirements
89 do not preclude the university from expending funds derived from
90 private sources to develop a prospectus, including preliminary
91 architectural schematics or models, for use in its efforts to
92 raise private funds for a facility, and for site preparation,
93 planning, and construction. Such facilities are not eligible to
94 be submitted for state support for operations until the state
95 matching funds have been provided and the state's share for the
96 minimum amount of funds needed to begin the project has been
97 appropriated by the Legislature. The Board of Governors shall
98 establish a method for validating the receipt and deposit of



99 private matching funds. The Legislature may appropriate the
100 state's matching funds in one or more fiscal years for the
101 planning, construction, and equipping of an eligible facility.
102 Each university shall notify all donors of private funds of a
103 substantial delay in the availability of state matching funds
104 for this program. However, these requirements shall not preclude
105 the university from expending available funds from private
106 sources to develop a prospectus, including preliminary
107 architectural schematics or models, for use in its efforts to
108 raise private funds for a facility. Additionally, any private
109 sources of funds expended for this purpose are eligible for
110 state matching funds should the project materialize as provided
111 for in this section.

112 Section 27. Except as otherwise expressly provided in this
113 act and except for this section, which shall take effect upon
114 becoming a law, this act shall take effect July 1, 2009.

115
116 ===== T I T L E A M E N D M E N T =====

117 And the title is amended as follows:

118 Delete line 122

119 and insert:

120 Program; providing effective dates.