



166412

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2009	.	
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The Committee on Higher Education (Lynn) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 1001.74, Florida Statutes, is amended to read:

1001.74 Powers and duties of university boards of trustees.—

(2) POWERS AND DUTIES RELATING TO ORGANIZATION AND OPERATION OF STATE UNIVERSITIES.—

(a) Each board of trustees constitutes the contracting



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12 agent of the university. Each university shall comply with the  
13 provisions of s. 287.055 for the procurement of professional  
14 services and may approve and execute all contracts for planning,  
15 construction, and equipment. For the purpose of a university's  
16 contracting authority, a "continuing contract" for professional  
17 services under the provisions of s. 287.055 is one in which  
18 construction costs do not exceed \$2 ~~\$1~~ million or the fee for  
19 study activity does not exceed \$200,000 ~~\$100,000~~. Contracts  
20 executed pursuant to this paragraph are subject to the  
21 requirements of s. 1010.62.

22 Section 2. Present subsections (14) through (18) of section  
23 1009.24, Florida Statutes, are redesignated as subsections (15)  
24 through (19), respectively, and a new subsection (14) is added  
25 to that section, to read:

26 1009.24 State university student fees.—

27 (14) (a) Each university board of trustees may establish a  
28 renewable energy fee to be paid by all students if the fee is  
29 approved by the student body of each university that seeks to  
30 establish the fee. In order to establish the fee, a referendum  
31 of the university's student body must be requested by the  
32 student legislative body and conducted by the student  
33 government. The referendum must include the proposed amount of  
34 the fee and an explanation of its purpose. A university's board  
35 of trustees may not establish the fee without the approval of a  
36 majority of students participating in the referendum.

37 (b) A renewable energy fee established under this  
38 subsection may not exceed \$5 per credit hour during its first  
39 year of implementation. The initial amount of the fee must be in  
40 accordance with the referendum described in paragraph (a) and



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41 may be changed only if approved by a referendum of the student  
42 body. The fee may not be included in any award under ss. 1009.53  
43 and 1009.531.

44 (c) The renewable energy fee shall be expended only for  
45 establishing or improving the use of renewable energy  
46 technologies or energy efficiencies that directly lower the  
47 university's greenhouse gas emissions, waste, or energy costs. A  
48 renewable energy fee committee shall be established and shall  
49 vote to determine how the revenue from the fee is spent. The  
50 committee shall consist of no more than 12 members, to be  
51 appointed as follows:

52 1. Half of the members shall be appointed by the  
53 university's student body president and confirmed by the  
54 university's student legislative body. Appointees shall be  
55 confirmed within 6 months after their appointment date. However,  
56 an appointee who has not been confirmed or has been rejected by  
57 the legislative body shall serve for no more than 45 days, at  
58 which time a replacement must be appointed.

59 2. Half of the members shall be appointed by the university  
60 president or his or her designee.

61  
62 Members shall be appointed to 1-year terms and shall hold office  
63 until his or her successor is appointed and qualified. A  
64 majority of the committee members constitutes a quorum. A  
65 chairperson, who is elected by the committee, shall vote only in  
66 the case of a tie. The revenue from the fee which remains at the  
67 end of a fiscal year shall be carried over and made available  
68 for renewable energy expenditures consistent with this paragraph  
69 during the next fiscal year.



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70           (d) After the renewable energy fee is implemented for 5  
71 years, the university's student government shall conduct a  
72 referendum to assess the student body's interest in continuing  
73 the fee. If a majority of students participating in the  
74 referendum vote to dissolve the fee, the fee may not be  
75 collected, and any remaining revenue shall be dispensed by the  
76 renewable energy fee committee within 2 fiscal years after the  
77 referendum. The university may reestablish the fee as provided  
78 in paragraph (a) no sooner than 1 year after the referendum  
79 dissolving the fee.

80           Section 3. Subsection (3) of section 1009.01, Florida  
81 Statutes, is amended to read:

82           1009.01 Definitions.—The term:

83           (3) "Tuition differential" means the supplemental fee  
84 charged to a student for instruction provided by a public  
85 university in this state pursuant to s. 1009.24(17) ~~s.~~  
86 ~~1009.24(16)~~.

87           Section 4. Paragraph (b) of subsection (2) of section  
88 1009.98, Florida Statutes, is amended to read:

89           1009.98 Stanley G. Tate Florida Prepaid College Program.—

90           (2) PREPAID COLLEGE PLANS.—At a minimum, the board shall  
91 make advance payment contracts available for two independent  
92 plans to be known as the community college plan and the  
93 university plan. The board may also make advance payment  
94 contracts available for a dormitory residence plan. The board  
95 may restrict the number of participants in the community college  
96 plan, university plan, and dormitory residence plan,  
97 respectively. However, any person denied participation solely on  
98 the basis of such restriction shall be granted priority for



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99 participation during the succeeding year.

100 (b)1. Through the university plan, the advance payment  
101 contract shall provide prepaid registration fees for a specified  
102 number of undergraduate semester credit hours not to exceed the  
103 average number of hours required for the conference of a  
104 baccalaureate degree. Qualified beneficiaries shall bear the  
105 cost of any laboratory fees associated with enrollment in  
106 specific courses. Each qualified beneficiary shall be classified  
107 as a resident for tuition purposes pursuant to s. 1009.21,  
108 regardless of his or her actual legal residence.

109 2. Effective July 1, 1998, the board may provide advance  
110 payment contracts for additional fees delineated in s.  
111 1009.24(9)-(12), for a specified number of undergraduate  
112 semester credit hours not to exceed the average number of hours  
113 required for the conference of a baccalaureate degree, in  
114 conjunction with advance payment contracts for registration  
115 fees. Such contracts shall provide prepaid coverage for the sum  
116 of such fees, to a maximum of 45 percent of the cost of  
117 registration fees. University plan contracts purchased prior to  
118 July 1, 1998, shall be limited to the payment of registration  
119 fees as defined in s. 1009.97.

120 3. Effective July 1, 2007, the board may provide advance  
121 payment contracts for the tuition differential authorized in s.  
122 1009.24(17) ~~s. 1009.24(16)~~ for a specified number of  
123 undergraduate semester credit hours, which may not exceed the  
124 average number of hours required for the conference of a  
125 baccalaureate degree, in conjunction with advance payment  
126 contracts for registration fees.

127 Section 5. Paragraph (h) of subsection (1) of section



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128 1013.64, Florida Statutes, is amended to read:

129       1013.64 Funds for comprehensive educational plant needs;  
130 construction cost maximums for school district capital  
131 projects.—Allocations from the Public Education Capital Outlay  
132 and Debt Service Trust Fund to the various boards for capital  
133 outlay projects shall be determined as follows:

134       (1)

135       (h) University boards of trustees may utilize funds  
136 appropriated pursuant to this section for replacement of minor  
137 facilities provided that such projects do not exceed \$2 ~~\$1~~  
138 million in cost or 10,000 gross square feet in size. Minor  
139 facilities may not be replaced from funds provided pursuant to  
140 this section unless the board determines that the cost of repair  
141 or renovation is greater than or equal to the cost of  
142 replacement.

143       Section 6. Subsection (2) of section 1013.78, Florida  
144 Statutes, is amended to read:

145       1013.78 Approval required for certain university-related  
146 facility acquisitions.—

147       (2) Legislative approval shall not be required for  
148 renovations, remodeling, replacement of existing facilities, or  
149 construction of minor facilities ~~projects~~ as defined in s.  
150 1013.64, except to the extent required pursuant to s. 1010.62.

151       Section 7. Subsection (5) of section 1013.79, Florida  
152 Statutes, is amended to read:

153       1013.79 University Facility Enhancement Challenge Grant  
154 Program.—

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



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157 received and deposited in the separate university program  
158 account designated for this purpose. However, a university is  
159 not precluded from spending funds from private sources to  
160 develop a prospectus, including preliminary architectural  
161 schematics or models, for use in raising private funds for a  
162 facility or site preparation or initial planning and  
163 construction. Private funds spent for planning, construction,  
164 and equipping the facility are eligible for state matching funds  
165 but do not create a financial obligation of the state and the  
166 state's share for the minimum amount of funds needed to begin  
167 the project has been appropriated by the Legislature. The Board  
168 of Governors shall establish a method for validating the receipt  
169 and deposit of private matching funds. The Legislature may  
170 appropriate the state's matching funds in one or more fiscal  
171 years for the planning, construction, and equipping of an  
172 eligible facility. ~~However, these requirements shall not~~  
173 ~~preclude the university from expending available funds from~~  
174 ~~private sources to develop a prospectus, including preliminary~~  
175 ~~architectural schematics or models, for use in its efforts to~~  
176 ~~raise private funds for a facility. Additionally, any private~~  
177 ~~sources of funds expended for this purpose are eligible for~~  
178 ~~state matching funds should the project materialize as provided~~  
179 ~~for in this section.~~

180 Section 8. This act shall take effect upon becoming a law.

181  
182 ===== T I T L E A M E N D M E N T =====

183 And the title is amended as follows:

184 Delete everything before the enacting clause  
185 and insert:



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186                   A bill to be entitled  
187           An act relating to state universities; amending s.  
188           1001.74, F.S.; redefining the term "continuing  
189           contract" relating to construction costs to increase  
190           certain cost thresholds; amending s. 1009.24, F.S.;  
191           authorizing university boards of trustees to establish  
192           a renewable energy fee under certain circumstances;  
193           providing that the fee not exceed a certain amount;  
194           limiting the use of such fee; establishing a renewable  
195           energy fee committee; providing for membership;  
196           providing terms; providing for a referendum on  
197           continuing or dissolving the fee; authorizing the  
198           university to reestablish the fee; amending ss.  
199           1009.01 and 1009.98, F.S.; conforming cross-  
200           references; amending s. 1013.64, F.S.; increasing the  
201           threshold amount used to replace minor facility  
202           projects; amending s. 1013.78, F.S.; conforming  
203           provisions to changes made by the act; amending s.  
204           1013.79, F.S.; revising provisions relating to the  
205           University Facility Enhancement Challenge Grant  
206           Program; authorizing a university to expend funds from  
207           private sources to develop a prospectus for a facility  
208           or site preparation or initial planning and  
209           construction; providing an effective date.