

By the Committee on Higher Education; and Senator Constantine

589-03426-09

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1                   A bill to be entitled  
2           An act relating to state universities; amending s.  
3           1001.74, F.S.; redefining the term "continuing  
4           contract" relating to construction costs to increase  
5           certain cost thresholds; amending s. 1009.24, F.S.;  
6           authorizing university boards of trustees to establish  
7           a renewable energy fee under certain circumstances;  
8           providing that the fee not exceed a certain amount;  
9           limiting the use of such fee; establishing a renewable  
10          energy fee committee; providing for membership;  
11          providing terms; providing for a referendum on  
12          continuing or dissolving the fee; authorizing the  
13          university to reestablish the fee; amending ss.  
14          1009.01 and 1009.98, F.S.; conforming cross-  
15          references; amending s. 1013.64, F.S.; increasing the  
16          threshold amount used to replace minor facility  
17          projects; amending s. 1013.78, F.S.; conforming  
18          provisions to changes made by the act; amending s.  
19          1013.79, F.S.; revising provisions relating to the  
20          University Facility Enhancement Challenge Grant  
21          Program; authorizing a university to expend funds from  
22          private sources to develop a prospectus for a facility  
23          or site preparation or initial planning and  
24          construction; providing an effective date.

25  
26 Be It Enacted by the Legislature of the State of Florida:

27  
28           Section 1. Subsection (2) of section 1001.74, Florida  
29           Statutes, is amended to read:

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30 1001.74 Powers and duties of university boards of  
31 trustees.—

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

34 (a) Each board of trustees constitutes the contracting  
35 agent of the university. Each university shall comply with the  
36 provisions of s. 287.055 for the procurement of professional  
37 services and may approve and execute all contracts for planning,  
38 construction, and equipment. For the purpose of a university's  
39 contracting authority, a "continuing contract" for professional  
40 services under the provisions of s. 287.055 is one in which  
41 construction costs do not exceed \$2 ~~\$1~~ million or the fee for  
42 study activity does not exceed \$200,000 ~~\$100,000~~. Contracts  
43 executed pursuant to this paragraph are subject to the  
44 requirements of s. 1010.62.

45 Section 2. Present subsections (14) through (18) of section  
46 1009.24, Florida Statutes, are redesignated as subsections (15)  
47 through (19), respectively, and a new subsection (14) is added  
48 to that section, to read:

49 1009.24 State university student fees.—

50 (14) (a) Each university board of trustees may establish a  
51 renewable energy fee to be paid by all students if the fee is  
52 approved by the student body of each university that seeks to  
53 establish the fee. In order to establish the fee, a referendum  
54 of the university's student body must be requested by the  
55 student legislative body and conducted by the student  
56 government. The referendum must include the proposed amount of  
57 the fee and an explanation of its purpose. A university's board  
58 of trustees may not establish the fee without the approval of a

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59 majority of students participating in the referendum.

60 (b) A renewable energy fee established under this  
61 subsection may not exceed \$5 per credit hour during its first  
62 year of implementation. The initial amount of the fee must be in  
63 accordance with the referendum described in paragraph (a) and  
64 may be changed only if approved by a referendum of the student  
65 body. The fee may not be included in any award under ss. 1009.53  
66 and 1009.531.

67 (c) The renewable energy fee shall be expended only for  
68 establishing or improving the use of renewable energy  
69 technologies or energy efficiencies that directly lower the  
70 university's greenhouse gas emissions, waste, or energy costs. A  
71 renewable energy fee committee shall be established and shall  
72 vote to determine how the revenue from the fee is spent. The  
73 committee shall consist of no more than 12 members, to be  
74 appointed as follows:

75 1. Half of the members shall be appointed by the  
76 university's student body president and confirmed by the  
77 university's student legislative body. Appointees shall be  
78 confirmed within 6 months after their appointment date. However,  
79 an appointee who has not been confirmed or has been rejected by  
80 the legislative body shall serve for no more than 45 days, at  
81 which time a replacement must be appointed.

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

84  
85 Members shall be appointed to 1-year terms and shall hold office  
86 until his or her successor is appointed and qualified. A  
87 majority of the committee members constitutes a quorum. A

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88 chairperson, who is elected by the committee, shall vote only in  
89 the case of a tie. The revenue from the fee which remains at the  
90 end of a fiscal year shall be carried over and made available  
91 for renewable energy expenditures consistent with this paragraph  
92 during the next fiscal year.

93 (d) After the renewable energy fee is implemented for 5  
94 years, the university's student government shall conduct a  
95 referendum to assess the student body's interest in continuing  
96 the fee. If a majority of students participating in the  
97 referendum vote to dissolve the fee, the fee may not be  
98 collected, and any remaining revenue shall be dispensed by the  
99 renewable energy fee committee within 2 fiscal years after the  
100 referendum. The university may reestablish the fee as provided  
101 in paragraph (a) no sooner than 1 year after the referendum  
102 dissolving the fee.

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

105 1009.01 Definitions.—The term:

106 (3) "Tuition differential" means the supplemental fee  
107 charged to a student for instruction provided by a public  
108 university in this state pursuant to s. 1009.24(17) ~~s.~~  
109 ~~1009.24(16)~~.

110 Section 4. Paragraph (b) of subsection (2) of section  
111 1009.98, Florida Statutes, is amended to read:

112 1009.98 Stanley G. Tate Florida Prepaid College Program.—

113 (2) PREPAID COLLEGE PLANS.—At a minimum, the board shall  
114 make advance payment contracts available for two independent  
115 plans to be known as the community college plan and the  
116 university plan. The board may also make advance payment

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117 contracts available for a dormitory residence plan. The board  
118 may restrict the number of participants in the community college  
119 plan, university plan, and dormitory residence plan,  
120 respectively. However, any person denied participation solely on  
121 the basis of such restriction shall be granted priority for  
122 participation during the succeeding year.

123 (b)1. Through the university plan, the advance payment  
124 contract shall provide prepaid registration fees for a specified  
125 number of undergraduate semester credit hours not to exceed the  
126 average number of hours required for the conference of a  
127 baccalaureate degree. Qualified beneficiaries shall bear the  
128 cost of any laboratory fees associated with enrollment in  
129 specific courses. Each qualified beneficiary shall be classified  
130 as a resident for tuition purposes pursuant to s. 1009.21,  
131 regardless of his or her actual legal residence.

132 2. Effective July 1, 1998, the board may provide advance  
133 payment contracts for additional fees delineated in s.  
134 1009.24(9)-(12), for a specified number of undergraduate  
135 semester credit hours not to exceed the average number of hours  
136 required for the conference of a baccalaureate degree, in  
137 conjunction with advance payment contracts for registration  
138 fees. Such contracts shall provide prepaid coverage for the sum  
139 of such fees, to a maximum of 45 percent of the cost of  
140 registration fees. University plan contracts purchased prior to  
141 July 1, 1998, shall be limited to the payment of registration  
142 fees as defined in s. 1009.97.

143 3. Effective July 1, 2007, the board may provide advance  
144 payment contracts for the tuition differential authorized in s.  
145 1009.24(17) ~~s. 1009.24(16)~~ for a specified number of

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146 undergraduate semester credit hours, which may not exceed the  
147 average number of hours required for the conference of a  
148 baccalaureate degree, in conjunction with advance payment  
149 contracts for registration fees.

150 Section 5. Paragraph (h) of subsection (1) of section  
151 1013.64, Florida Statutes, is amended to read:

152 1013.64 Funds for comprehensive educational plant needs;  
153 construction cost maximums for school district capital  
154 projects.—Allocations from the Public Education Capital Outlay  
155 and Debt Service Trust Fund to the various boards for capital  
156 outlay projects shall be determined as follows:

157 (1)

158 (h) University boards of trustees may utilize funds  
159 appropriated pursuant to this section for replacement of minor  
160 facilities provided that such projects do not exceed \$2 ~~\$1~~  
161 million in cost or 10,000 gross square feet in size. Minor  
162 facilities may not be replaced from funds provided pursuant to  
163 this section unless the board determines that the cost of repair  
164 or renovation is greater than or equal to the cost of  
165 replacement.

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

168 1013.78 Approval required for certain university-related  
169 facility acquisitions.—

170 (2) Legislative approval shall not be required for  
171 renovations, remodeling, replacement of existing facilities, or  
172 construction of minor facilities ~~projects~~ as defined in s.  
173 1013.64, except to the extent required pursuant to s. 1010.62.

174 Section 7. Subsection (5) of section 1013.79, Florida

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175 Statutes, is amended to read:

176 1013.79 University Facility Enhancement Challenge Grant  
177 Program.—

178 (5) A project may not be initiated unless all private funds  
179 for planning, construction, and equipping the facility have been  
180 received and deposited in the separate university program  
181 account designated for this purpose. However, a university is  
182 not precluded from spending funds from private sources to  
183 develop a prospectus, including preliminary architectural  
184 schematics or models, for use in raising private funds for a  
185 facility or site preparation or initial planning and  
186 construction. Private funds spent for planning, construction,  
187 and equipping the facility are eligible for state matching funds  
188 but do not create a financial obligation of the state and the  
189 state's share for the minimum amount of funds needed to begin  
190 the project has been appropriated by the Legislature. The Board  
191 of Governors shall establish a method for validating the receipt  
192 and deposit of private matching funds. The Legislature may  
193 appropriate the state's matching funds in one or more fiscal  
194 years for the planning, construction, and equipping of an  
195 eligible facility. ~~However, these requirements shall not~~  
196 ~~preclude the university from expending available funds from~~  
197 ~~private sources to develop a prospectus, including preliminary~~  
198 ~~architectural schematics or models, for use in its efforts to~~  
199 ~~raise private funds for a facility. Additionally, any private~~  
200 ~~sources of funds expended for this purpose are eligible for~~  
201 ~~state matching funds should the project materialize as provided~~  
202 ~~for in this section.~~

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