

1                                   A bill to be entitled  
 2       An act relating to state universities; amending s.  
 3       1001.74, F.S.; redefining the term "continuing contract"  
 4       as it relates to construction costs in order to increase  
 5       certain cost thresholds; amending s. 1009.24, F.S.;  
 6       authorizing university boards of trustees to establish a  
 7       renewable energy fee under certain circumstances;  
 8       providing that the fee not exceed a specified amount;  
 9       limiting the use of such fee; establishing a renewable  
 10      energy fee committee; providing for membership; providing  
 11      terms; providing for a referendum on continuing or  
 12      discontinuing the fee; authorizing the university to  
 13      reestablish the fee; amending ss. 1009.01 and 1009.98,  
 14      F.S.; conforming cross-references; amending s. 1013.64,  
 15      F.S.; increasing the cost threshold at which a minor  
 16      facility may be replaced; amending s. 1013.78, F.S.;  
 17      conforming 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:

21  
 22           Section 1. Paragraph (a) of subsection (2) of section  
 23   1001.74, Florida Statutes, is amended to read:

24           1001.74 Powers and duties of university boards of  
 25   trustees.—

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

28           (a) Each board of trustees constitutes the contracting

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

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

43 1009.24 State university student fees.—

44 (14) (a) Each university board of trustees may establish a  
 45 renewable energy fee to be paid by all students if the fee is  
 46 approved by the student body of the university that seeks to  
 47 establish the fee. In order to establish the fee, a referendum  
 48 of the university's student body must be requested by the  
 49 student legislative body and conducted by the student  
 50 government. The referendum must include the proposed amount of  
 51 the fee and an explanation of its purpose. A university's board  
 52 of trustees may not establish the fee without the approval of a  
 53 majority of the students participating in the referendum.

54 (b) A renewable energy fee established under this  
 55 subsection may not exceed \$1 per credit hour during its first  
 56 year of implementation. The initial amount of the fee must be in

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57 accordance with the referendum described in paragraph (a) and  
58 may be changed only if approved by a referendum of the student  
59 body. The fee may not be included in any award under s. 1009.531  
60 or s. 1009.532.

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

69 1. One-half of the members shall be appointed by the  
70 university's student body president and confirmed by the  
71 university's student legislative body. Appointees shall be  
72 confirmed within 6 months after their appointment date. However,  
73 an appointee who has not been confirmed or has been rejected by  
74 the legislative body shall serve for no more than 45 days, at  
75 which time a replacement must be appointed.

76 2. One-half of the members shall be appointed by the  
77 university president or his or her designee.

78  
79 Members shall be appointed to 1-year terms and shall hold office  
80 until their successors are appointed and qualified. A majority  
81 of the committee members constitutes a quorum. A chairperson,  
82 who is elected by the committee, shall vote only in the case of  
83 a tie. The revenue from the fee which remains at the end of a  
84 fiscal year shall be carried over and made available for

85 renewable energy expenditures consistent with this paragraph  
 86 during the next fiscal year.

87 (d) After the renewable energy fee is implemented for 3  
 88 years, the university's student government shall conduct a  
 89 referendum to assess the student body's interest in continuing  
 90 the fee. If a majority of students participating in the  
 91 referendum votes to discontinue the fee, the fee may not be  
 92 collected, and any remaining revenue shall be dispensed by the  
 93 renewable energy fee committee within 2 fiscal years after the  
 94 referendum. The university may reestablish the fee as provided  
 95 in paragraph (a) no sooner than 1 year after the referendum  
 96 discontinuing the fee.

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

99 1009.01 Definitions.—The term:

100 (3) "Tuition differential" means the supplemental fee  
 101 charged to a student by a public university in this state  
 102 pursuant to s. 1009.24(17) ~~s. 1009.24(16)~~.

103 Section 4. Paragraph (b) of subsection (2) of section  
 104 1009.98, Florida Statutes, is amended to read:

105 1009.98 Stanley G. Tate Florida Prepaid College Program.—

106 (2) PREPAID COLLEGE PLANS.—At a minimum, the board shall  
 107 make advance payment contracts available for two independent  
 108 plans to be known as the community college plan and the  
 109 university plan. The board may also make advance payment  
 110 contracts available for a dormitory residence plan. The board  
 111 may restrict the number of participants in the community college  
 112 plan, university plan, and dormitory residence plan,

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113 | respectively. However, any person denied participation solely on  
114 | the basis of such restriction shall be granted priority for  
115 | participation during the succeeding year.

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

125 |       2. Effective July 1, 1998, the board may provide advance  
126 | payment contracts for additional fees delineated in s.  
127 | 1009.24(9)-(12), for a specified number of undergraduate  
128 | semester credit hours not to exceed the average number of hours  
129 | required for the conference of a baccalaureate degree, in  
130 | conjunction with advance payment contracts for registration  
131 | fees. Such contracts shall provide prepaid coverage for the sum  
132 | of such fees, to a maximum of 45 percent of the cost of  
133 | registration fees. University plan contracts purchased prior to  
134 | July 1, 1998, shall be limited to the payment of registration  
135 | fees as defined in s. 1009.97.

136 |       3. Effective July 1, 2007, the board may provide advance  
137 | payment contracts for the tuition differential authorized in s.  
138 | 1009.24(17) ~~s. 1009.24(16)~~ for a specified number of  
139 | undergraduate semester credit hours, which may not exceed the  
140 | average number of hours required for the conference of a

141 baccalaureate degree, in conjunction with advance payment  
 142 contracts for registration fees.

143 4. Effective July 1, 2009, the board may offer an advance  
 144 payment contract for the university plan covering prepaid  
 145 registration fees, the fees authorized in s. 1009.24(9)-(12),  
 146 and the tuition differential authorized in s. 1009.24(17) ~~s.~~  
 147 ~~1009.24(16)~~. Such a contract may be offered in specific  
 148 increments for use toward a baccalaureate degree. The total  
 149 number of hours purchased for a qualified beneficiary may not  
 150 exceed the average number of hours required for the conference  
 151 of a baccalaureate degree.

152 Section 5. Paragraph (h) of subsection (1) of section  
 153 1013.64, Florida Statutes, is amended to read:

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

159 (1)

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

168 Section 6. Subsection (2) of section 1013.78, Florida

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169 Statutes, is amended to read:

170 1013.78 Approval required for certain university-related  
171 facility acquisitions.-

172 (2) Legislative approval is ~~shall~~ not ~~be~~ required for  
173 renovations, remodeling, replacement of existing facilities, or  
174 construction of minor facilities ~~projects~~ as defined in s.  
175 1013.64, except to the extent required pursuant to s. 1010.62.

176 Section 7. This act shall take effect upon becoming a law.