

By Senator Constantine

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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" as it relates to construction costs in order  
5           to increase certain cost thresholds; amending s.  
6           1009.24, F.S.; authorizing university boards of  
7           trustees to establish a renewable energy fee under  
8           certain circumstances; providing that the fee not  
9           exceed a specified amount; limiting the use of such  
10          fee; establishing a renewable energy fee committee;  
11          providing for membership; providing terms; providing  
12          for a referendum on continuing or discontinuing the  
13          fee; authorizing the university to reestablish the  
14          fee; amending ss. 1009.01 and 1009.98, F.S.;  
15          conforming cross-references; amending s. 1013.64,  
16          F.S.; increasing the cost threshold at which a minor  
17          facility may be replaced; amending s. 1013.78, F.S.;  
18          conforming provisions to changes made by the act;  
19          providing an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23           Section 1. Subsection (2) of section 1001.74, Florida  
24           Statutes, is amended to read:

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

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

29           (a) Each board of trustees constitutes the contracting

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

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

44 1009.24 State university student fees.—

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

55 (b) A renewable energy fee established under this  
56 subsection may not exceed \$1 per credit hour during its first  
57 year of implementation. The initial amount of the fee must be in  
58 accordance with the referendum described in paragraph (a) and

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59 may be changed only if approved by a referendum of the student  
60 body. The fee may not be included in any award under s. 1009.53  
61 or s. 1009.531.

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

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

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

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

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

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

100       1009.01 Definitions.—The term:

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

104       Section 4. Paragraph (b) of subsection (2) of section  
105 1009.98, Florida Statutes, is amended to read:

106       1009.98 Stanley G. Tate Florida Prepaid College Program.—

107       (2) PREPAID COLLEGE PLANS.—At a minimum, the board shall  
108 make advance payment contracts available for two independent  
109 plans to be known as the community college plan and the  
110 university plan. The board may also make advance payment  
111 contracts available for a dormitory residence plan. The board  
112 may restrict the number of participants in the community college  
113 plan, university plan, and dormitory residence plan,  
114 respectively. However, any person denied participation solely on  
115 the basis of such restriction shall be granted priority for  
116 participation during the succeeding year.

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

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

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

144 4. Effective July 1, 2009, the board may offer an advance  
145 payment contract for the university plan covering prepaid

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146 registration fees, the fees authorized in s. 1009.24(9)-(12),  
147 and the tuition differential authorized in s. 1009.24(17) ~~s.~~  
148 ~~1009.24(16)~~. Such a contract may be offered in specific  
149 increments for use toward a baccalaureate degree. The total  
150 number of hours purchased for a qualified beneficiary may not  
151 exceed the average number of hours required for the conference  
152 of a baccalaureate degree.

153 Section 5. Paragraph (h) of subsection (1) of section  
154 1013.64, Florida Statutes, is amended to read:

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

160 (1)

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

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

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

173 (2) Legislative approval is ~~shall~~ not be required for  
174 renovations, remodeling, replacement of existing facilities, or

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175 construction of minor facilities ~~projects~~ as defined in s.  
176 1013.64, except to the extent required pursuant to s. 1010.62.  
177 Section 7. This act shall take effect upon becoming a law.