

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Community Affairs Committee

BILL: CS/CS/SB 632

INTRODUCER: Community Affairs Committee, Higher Education Committee, and Senator Oelrich

SUBJECT: Postsecondary Education

DATE: April 11, 2011 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harkey</u>	<u>Matthews</u>	<u>HE</u>	Fav/CS
2.	<u>Wolfgang</u>	<u>Yeatman</u>	<u>CA</u>	Fav/CS
3.	_____	_____	<u>BC</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

This Committee Substitute (CS or bill) would revise requirements for the disposal of personal property lost or abandoned on university or Florida College System institution campuses. Institutions would not have to sell the property at public auction after public notice and would not have to use the proceeds for student scholarships and loans. Instead, the property would be disposed of in accordance with the policies of the institution.

The bill would authorize the Board of Governors (BOG) to adopt a regulation instead of a rule to govern the naming of state university buildings; university-acquired patents, copyrights or trademarks; delinquent accounts; purchasing; research centers for child development; personnel records; and university lease agreements for facilities.

The bill repeals a prohibition on a university from requiring a student who earns 9 or more credit hours through an acceleration mechanism to enroll in a summer term, thus permitting a state university to require summer term attendance by students.

This bill amends ss. 267.062, 705.18, 1004.23, 1007.27, 1010.03, 1010.04, 1010.07, 1011.48, 1012.91, 1013.171, and 1013.33, Florida Statutes. The bill repeals s. 1013.63, Florida Statutes

II. Present Situation:

Growth Management and Concurrency Requirements

A key component of the Local Government Comprehensive Planning and Land Development Regulation Act¹ is its “concurrency” provision that requires infrastructure facilities and services to be available concurrent with the impacts of development. Concurrency applies to sanitary sewer, solid waste, drainage, potable water, parks and recreation, schools, and transportation facilities. If the necessary infrastructure is not in place, the planned development cannot go forward unless the local government or the developer commits the necessary funds or pays their proportionate fair-share. The state land planning agency that administers these provisions is the Department of Community Affairs.

The University Concurrency Trust Fund

Section 1013.63, F.S., creates the University Concurrency Trust Fund which may be funded as provided in the General Appropriations Act. The statute requires funds in the trust fund to be used for university offsite improvements and to meet the requirements of concurrency standards required under pt. II of ch. 163, F.S. Funds last were appropriated to the trust fund in 2007, and at present there are no funds in the trust fund.

Rules and Regulations

Section 1001.706(2)(b), F.S., establishes the rulemaking and regulatory authority of the BOG. When the BOG is acting pursuant to authority derived from the Legislature, it must adopt rules pursuant to ch. 120, F.S., except that the BOG may adopt regulations for such matters if it is expressly authorized to do so by law. For matters relating to the BOG’s constitutional authority, the BOG may adopt regulations. Statutes granting rulemaking or regulatory authority to the BOG specify whether rules or regulations are to be adopted. The BOG has indentified eight statutes requiring rules for which the BOG would prefer the Legislature to authorize regulations in lieu of rules. The statutes concern the naming of university buildings; the acquiring of university patents, copyrights, or trademarks; delinquent accounts; purchasing; contractor’s bonds; establishing educational research centers for child development; personnel records; and university lease agreements for facilities. The BOG has adopted regulations to govern these areas.

Summer Term at Universities

Section 1007.27(10), F.S., prohibits a public college or university from requiring a student who earns 9 or more credit hours through an acceleration mechanism, such as dual enrollment and advanced placement, to enroll in a summer term.

III. Effect of Proposed Changes:

This bill would revise requirements for the disposal of personal property lost or abandoned on university or Florida College System institution campuses. Institutions would not have to sell the

¹ See ch. 163, pt. II, F.S.

property at public auction after public notice and would not have to use the proceeds for student scholarships and loans. Instead the institution would dispose of the property in accordance with its policies.

The bill would authorize the Board of Governors (BOG) to adopt a regulation instead of a rule to govern:

- The naming of state university buildings;
- University-acquired patents, copyrights or trademarks;
- Delinquent accounts;
- Purchasing;
- Establishment of educational research centers for child development;
- Personnel records;
- Contractors' bonds; and
- University lease agreements for facilities.

The bill would repeal s. 1007.27(10), F.S., which prohibits a public college or university from requiring a student who earns 9 or more credit hours through an acceleration mechanism to enroll in a summer term, thus permitting a state university to require summer term attendance by students. According to the Department of Education, 21,200 students, who earned a standard high school diploma in 2010, earned 9 or more credit hours through an accelerated mechanism, such as Advanced Placement, dual enrollment, International Baccalaureate, or Advanced International Certificate of Education. Requiring students to attend during the summer term could enable a postsecondary institution to use its facilities year-round. However, the provision could create new costs for students who receive state financial aid, including the Bright Futures Scholarships, because state scholarship programs are only funded for the fall and spring academic terms. The Bright Futures Scholarships may be used in the summer term if funds are available,² but the Legislature has not funded the scholarship for the summer term.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

² Section 1009.53(9), F.S.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Florida College System students and state university students who were required to enroll during the summer term could incur costs not covered by financial aid if their financial aid only covered fall and spring academic terms. A student who enrolled in the fall, spring, and summer terms would be more likely to finish his degree program sooner than a student who only enrolled in the fall and spring terms.

C. Government Sector Impact:

Florida College System Institutions and state universities would be able to dispose of lost property in accordance with the institution's procedures and would not incur the cost of holding a public auction.

State universities could make better year-round use of their facilities if they required students to enroll in the summer term. Universities would receive additional revenue from students whose financial aid did not cover the summer term.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Community Affairs on April 11, 2011:**

Removed provisions relating to campus development agreements.

CS by Higher Education on March 22, 2011:

The committee substitute:

- Changes requirements for disposal of personal property that is lost or abandoned on a state university or Florida College System campus to permit the president to dispose of the property or make use of it in accordance with the institutions' procedures;
- Repeals the University Concurrency Trust Fund;
- Does not redirect fuel tax revenues;

- Removes the requirement for campus development plans with local governments effective July 1, 2011, and specifies that when the current plans expire they may not be renewed;
- Removes the requirement for impact fees to be paid before the university begins construction; and
- Authorizes regulations instead of rules for these additional areas: delinquent accounts; contractors' bonds; university centers for child development; and personnel records.

B. Amendments:

None.