

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/SB 632

INTRODUCER: Higher Education Committee and Senator Oelrich

SUBJECT: Postsecondary Education

DATE: April 6, 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> | Pre-meeting |
| 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 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.

Under this bill, state universities would not have to enter into campus development agreements with local governmental entities when their current agreements expire. The campus master plan would be required to identify the level-of-service standard established by the local government and the entity that would provide the service to the campus. Universities could begin constructing a campus development without having to pay the impact costs. The bill would repeal the University Concurrency Trust Fund.

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, 1010.30, 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.

Coordinating of University Planning with Local Governing Bodies

Growth management requirements for state universities are established in s. 1013.30, F.S. Each state university must adopt a campus master plan that identifies the university’s general land uses and addresses plans for the provision of roads, parking, public transportation, solid waste, drainage, sewer, potable water, and recreation and open space during the coming 10 to 20 years.

A university must maintain a copy of the master plan on the university’s web site. The statute requires public notice that the master plan has been adopted and establishes a procedure by which an affected local government or person could challenge provisions in the plan under ch. 120, F.S. The law requires a university to adopt a campus development agreement with each affected local government within 270 days after the adoption of the campus master plan. The campus development agreement must determine the impact of campus development on public facilities and services, such as roads, sewer, water, etc., and must determine the university’s fair share of the cost of the improvements to the facilities and services. The statute prohibits the building of the campus development before the university’s share of the costs has been appropriated by the Legislature. If the local government and university board of trustees cannot reach agreement, the matter must be decided by the state land planning agency.

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

¹ See ch. 163, pt. II, F.S.

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 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.

Under this bill, state universities would not have to enter into campus development agreements with local governmental entities when their current agreements expire. The level-of-service standard, established by the applicable local government, and the entity that will provide the service to the campus, which previously were required in campus development agreements, would instead be identified in the campus master plan. The bill would repeal the University Concurrency Trust Fund. Universities could begin constructing a campus development without having to pay the impact costs.

| University | Date Campus Development Agreement Expires |
|----------------------------------|---|
| New College of Florida | The agreement has expired and is being re-negotiated. |
| Florida International University | 5/16/2012 |
| University of Central Florida | 12/31/2015 |
| University of North Florida | 6/30/2015 |
| University of South Florida | 6/30/2015 |

| | |
|---|------------|
| University of South Florida, Sarasota | 12/31/2015 |
| University of South Florida Polytechnic | 12/31/2015 |
| University of West Florida | 12/31/2015 |
| Florida State University | 6/10/2015 |
| Florida A & M University | 12/31/2015 |
| Florida Atlantic University | 12/31/2015 |
| Florida Atlantic University, Jupiter | 12/31/2020 |
| Florida Gulf Coast University | 12/31/2015 |
| University of Florida | 12/31/2015 |

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.

² Section 1009.53(9), F.S.

C. Trust Funds Restrictions:

None.

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.

Universities could begin a campus development before paying the impact costs, and would not be required to pay them. It is possible that a governmental entity would pay the impact costs.

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 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.