

By Senator Oelrich

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1 A bill to be entitled
2 An act relating to postsecondary education; amending
3 s. 215.211, F.S.; prohibiting the deduction of a
4 service charge from the proceeds of certain local
5 option fuel taxes; requiring a percentage of certain
6 local option fuel tax revenues to be deposited in the
7 University Concurrency Trust Fund and providing uses
8 therefor; amending s. 1013.30, F.S.; revising
9 provisions relating to payment and funding of
10 developments in accordance with university campus
11 development agreements; amending s. 1013.63, F.S.;
12 revising the funding and use of the University
13 Concurrency Trust Fund; amending ss. 267.062, 1004.23,
14 1010.04, and 1013.171, F.S.; providing for the
15 adoption of regulations rather than rules by the Board
16 of Governors, universities, and university boards of
17 trustees; repealing s. 1007.27(10), F.S., relating to
18 the exemption for a student who earns certain credits
19 through acceleration mechanisms from any requirement
20 of a public postsecondary educational institution
21 mandating enrollment during a summer term; providing
22 an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Subsection (3) of section 215.211, Florida
27 Statutes, is amended, and subsection (5) is added to that
28 section, to read:

29 215.211 Service charge; elimination or reduction for

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30 specified proceeds.—

31 (3) Notwithstanding the provisions of s. 215.20(1), the
32 service charge provided in s. 215.20(1) may not be deducted from
33 the proceeds of the local option fuel taxes ~~tax~~ distributed
34 under s. 336.025(1) (a) and (b).

35 (5) From the revenues derived from s. 336.025(1)(b), an
36 amount equal to 8 percent of those revenues shall be deposited
37 in the University Concurrency Trust Fund and used to fund
38 university offsite improvements required to meet concurrency
39 standards adopted under s. 1013.30 and for such other purposes
40 as set forth in s. 1013.63.

41 Section 2. Subsections (13) and (16) of section 1013.30,
42 Florida Statutes, are amended to read:

43 1013.30 University campus master plans and campus
44 development agreements.—

45 (13) With regard to the impact of campus development on the
46 facilities and services listed in paragraph (11)(c), the
47 following applies:

48 (a) All improvements to facilities or services which are
49 necessary to eliminate the deficiencies identified in paragraph
50 (11)(e) must be specifically listed in the campus development
51 agreement.

52 (b) The university board of trustees' fair share of the
53 cost of the measures identified in paragraph (a) must be stated
54 in the campus development agreement. In determining the fair
55 share, the effect of any demand management techniques, which may
56 include such techniques as flexible work hours and carpooling,
57 that are used by the Board of Governors to minimize the offsite
58 impacts shall be considered.

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59 (c) The university board of trustees' ~~trustees is~~
60 ~~responsible for paying the~~ fair share identified in paragraph
61 (b) shall be payable exclusively from the University Concurrency
62 Trust Fund., ~~and it may do so by:~~

63 1. ~~Paying a fair share of each of the improvements~~
64 ~~identified in paragraph (a); or~~

65 2. ~~Taking on full responsibility for the improvements,~~
66 ~~selected from the list of improvements identified in paragraph~~
67 ~~(a), and agreed to between the host local government and the~~
68 ~~Board of Governors, the total cost of which equals the~~
69 ~~contribution identified in paragraph (b).~~

70 (d) All concurrency management responsibilities of the
71 university board of trustees are fulfilled if the university
72 board of trustees expends the total amount of funds identified
73 in paragraph (b) notwithstanding that the university board of
74 trustees may not have undertaken or made contributions to some
75 of the measures identified in paragraph (a).

76 (e) Capital projects included in the campus development
77 agreement may be used by the local government for the
78 concurrency management purposes.

79 (f) Funds to be provided by universities in accordance with
80 campus development agreements are subject to appropriation by
81 the Legislature to the University Concurrency Trust Fund. A
82 development authorized by a campus development agreement may
83 proceed upon authorization of payment by the Board of Governors
84 from the University Concurrency Trust Fund ~~may not be built~~
85 ~~until the funds to be provided pursuant to paragraph (b) are~~
86 ~~appropriated by the Legislature.~~

87 (16) If, within 180 days following the host local

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88 government's receipt of the proposed campus development
89 agreement, the university board of trustees and host local
90 government cannot reach agreement on the provisions of the
91 campus development agreement, the following procedures for
92 resolving the matter must be followed:

93 (a) The matter must be submitted to the state land planning
94 agency, which has 60 days to hold informal hearings, if
95 necessary.

96 (b) In deciding upon a proper resolution, the state land
97 planning agency shall consider the nature of the issues in
98 dispute, the compliance of the parties with this section, the
99 extent of the conflict between the parties, the comparative
100 hardships, and the public interest involved. In resolving the
101 matter, the state land planning agency may prescribe, by order,
102 the contents of the campus development agreement. The order may
103 not require the university to fund improvements from sources
104 other than the University Concurrency Trust Fund.

105 Section 3. Subsections (1) and (2) of section 1013.63,
106 Florida Statutes, are amended to read:

107 1013.63 University Concurrency Trust Fund.—

108 (1) The University Concurrency Trust Fund is created within
109 the Department of Education and shall be funded each fiscal year
110 in an amount equal to 8 percent of the revenues derived from the
111 local option fuel tax distributed under s. 336.025(1)(b).

112 ~~(2) The trust fund may be funded each fiscal year as~~
113 ~~provided in the General Appropriations Act.~~ Moneys in such trust
114 fund shall be for the purpose of funding university offsite
115 improvements required to meet concurrency standards adopted
116 under s. 1013.30 ~~part II of chapter 163~~. In addition, in any

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117 year in which campus master plans are updated pursuant to s.
118 1013.30, but no more frequently than once every 5 years, up to
119 25 percent of the balance in the trust fund for that year may be
120 used to defray the costs incurred in updating those campus
121 master plans.

122 Section 4. Subsection (3) of section 267.062, Florida
123 Statutes, is amended to read:

124 267.062 Naming of state buildings and other facilities.—

125 (3) Notwithstanding the provisions of subsection (1) or s.
126 1013.79(11), any state building, road, bridge, park,
127 recreational complex, or other similar facility of a state
128 university may be named for a living person by the university
129 board of trustees in accordance with regulations ~~rules~~ adopted
130 by the Board of Governors of the State University System.

131 Section 5. Subsection (6) of section 1004.23, Florida
132 Statutes, is amended to read:

133 1004.23 Universities; powers; patents, copyrights, and
134 trademarks.—Any other law to the contrary notwithstanding, each
135 state university is authorized, in its own name, to:

136 (6) Do all other acts necessary and proper for the
137 execution of powers and duties herein conferred upon the
138 university, including adopting regulations ~~rules~~, as necessary,
139 in order to administer this section. Any proceeds therefrom
140 shall be deposited and expended in accordance with s. 1004.22.
141 Any action taken by the university in securing or exploiting
142 such trademarks, copyrights, or patents shall, within 30 days,
143 be reported in writing by the president to the Department of
144 State.

145 Section 6. Subsection (2) of section 1010.04, Florida

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146 Statutes, is amended to read:

147 1010.04 Purchasing.—

148 (2) Each district school board and, community college board
149 of trustees, ~~and each university board of trustees~~ shall adopt
150 rules and each university board of trustees shall adopt
151 regulations to be followed in making purchases.

152 Section 7. Subsection (4) of section 1013.171, Florida
153 Statutes, is amended to read:

154 1013.171 University lease agreements; land, facilities.—

155 (4) Agreements as provided in this section shall be entered
156 into with an offeror resulting from publicly announced
157 competitive bids or proposals, except that the university may
158 enter into an agreement with an entity enumerated in paragraph
159 (3) (a) for leasing land or with a direct-support organization as
160 provided in s. 1004.28, which shall enter into subsequent
161 agreements for financing and constructing the project after
162 receiving competitive bids or proposals. Any facility
163 constructed, lease-purchased, or purchased under such
164 agreements, whether erected on land under the jurisdiction of
165 the university or not, shall conform to the construction
166 standards and codes applicable to university facilities. Each
167 university board of trustees shall adopt such regulations ~~rules~~
168 as are necessary to carry out its duties and responsibilities
169 imposed by this section.

170 Section 8. Subsection (10) of section 1007.27, Florida
171 Statutes, is repealed.

172 Section 9. This act shall take effect July 1, 2011.