

By the Committee on Higher Education; and Senator Oelrich

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1                                   A bill to be entitled  
2           An act relating to postsecondary education; amending  
3           s. 705.18, F.S.; revising provisions relating to the  
4           disposal of personal property lost or abandoned on a  
5           university or Florida College System institution  
6           campus and the disposition of proceeds from the sale  
7           of such property; requiring that the university or  
8           Florida College System institution president, or his  
9           or her designee, dispose of or make use of unclaimed  
10          property in accordance with university or Florida  
11          College System institution policies and procedures;  
12          amending ss. 267.062, 1004.23, 1010.03, 1010.04,  
13          1010.07, 1011.48, 1012.91, and 1013.171, F.S.;  
14          revising provisions to replace references to "rules"  
15          with "regulations"; repealing s. 1007.27(10), F.S.,  
16          relating to an exemption for students who earn 9 or  
17          more credits from one or more of the articulated  
18          acceleration mechanisms from any requirement of a  
19          public postsecondary educational institution which  
20          mandates enrollment during a summer term; amending s.  
21          1013.30, F.S.; requiring that a university campus  
22          master plan identify the level-of-service standards  
23          contained in the plan; deleting requirements for  
24          campus development agreements between each university  
25          board of trustees and the local government;  
26          prohibiting renewal of a campus development agreement  
27          upon its expiration; amending s. 1013.33, F.S.;  
28          conforming a cross-reference; repealing s. 1013.63,  
29          F.S., relating to the University Concurrency Trust

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30 Fund; providing an effective date.

31  
32 Be It Enacted by the Legislature of the State of Florida:

33  
34 Section 1. Section 705.18, Florida Statutes, is amended to  
35 read:

36 705.18 Disposal of personal property lost or abandoned on  
37 university or Florida College System institution ~~community~~  
38 ~~college~~ campuses; disposition of proceeds from sale.-

39 ~~(1)~~ Whenever any lost or abandoned personal property is  
40 ~~shall be~~ found on a campus of an institution in the State  
41 University System or a campus of a Florida College System  
42 institution ~~state-supported community college~~, the president of  
43 the institution or the president's designee shall take charge of  
44 the property and make a record of the date such property was  
45 found. If the property is not claimed by the owner, within 30  
46 days after it such property is found, or a longer period of time  
47 as may be deemed appropriate by the president ~~under the~~  
48 ~~circumstances, the property is not claimed by the owner~~, the  
49 president or his or her designee shall dispose of or make use of  
50 the property in accordance with established policies and  
51 procedures that best meet the needs of the university or the  
52 Florida College System institution and its students ~~shall order~~  
53 ~~it sold at public outcry after giving notice of the time and~~  
54 ~~place of sale in a publication of general circulation on the~~  
55 ~~campus of such institution and written notice to the owner if~~  
56 ~~known~~. The rightful owner of the such property may reclaim the  
57 property ~~the same~~ at any time prior to the disposition, sale, or  
58 use of the property in accordance with this section and the

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59 established policies and procedures of the university or the  
60 Florida College System institution.

61 ~~(2) All moneys realized from such institution's sale shall~~  
62 ~~be placed in an appropriate fund and used solely for student~~  
63 ~~scholarship and loan purposes.~~

64 Section 2. Subsection (3) of section 267.062, Florida  
65 Statutes, is amended to read:

66 267.062 Naming of state buildings and other facilities.—

67 (3) Notwithstanding the provisions of subsection (1) or s.  
68 1013.79(11), any state building, road, bridge, park,  
69 recreational complex, or other similar facility of a state  
70 university may be named for a living person by the university  
71 board of trustees in accordance with regulations ~~rules~~ adopted  
72 by the Board of Governors of the State University System.

73 Section 3. Subsection (6) of section 1004.23, Florida  
74 Statutes, is amended to read:

75 1004.23 Universities; powers; patents, copyrights, and  
76 trademarks.—Any other law to the contrary notwithstanding, each  
77 state university is authorized, in its own name, to:

78 (6) Do all other acts necessary and proper for the  
79 execution of powers and duties herein conferred upon the  
80 university, including adopting regulations ~~rules~~, as necessary,  
81 in order to administer this section. Any proceeds therefrom  
82 shall be deposited and expended in accordance with s. 1004.22.  
83 Any action taken by the university in securing or exploiting  
84 such trademarks, copyrights, or patents shall, within 30 days,  
85 be reported in writing by the president to the Department of  
86 State.

87 Section 4. Section 1010.03, Florida Statutes, is amended to

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88 read:

89 1010.03 Delinquent accounts.—District school boards,  
90 Florida College System institution ~~community college~~ boards of  
91 trustees, and university boards of trustees:

92 (1) Shall exert every effort to collect all delinquent  
93 accounts.

94 (2) May charge off or settle such accounts as may prove  
95 uncollectible.

96 (3) May employ the services of a collection agency when  
97 deemed advisable in collecting delinquent accounts.

98 (4) May adopt rules, except that university boards of  
99 trustees may adopt regulations, as necessary, to implement the  
100 provisions of this section, including setoff procedures, payroll  
101 deductions, and restrictions on release of transcripts, awarding  
102 of diplomas, and access to other resources and services of the  
103 school district, Florida College System institution ~~community~~  
104 ~~college~~, or university.

105 Section 5. Subsection (2) of section 1010.04, Florida  
106 Statutes, is amended to read:

107 1010.04 Purchasing.—

108 (2) Each district school board and Florida College System  
109 institution, ~~community college~~ board of trustees, ~~and each~~  
110 ~~university board of trustees~~ shall adopt rules, and each  
111 university board of trustees shall adopt regulations, to be  
112 followed in making purchases.

113 Section 6. Paragraph (b) of subsection (2) of section  
114 1010.07, Florida Statutes, is amended to read:

115 1010.07 Bonds or insurance required.—

116 (2)

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117 (b) Contractors paid from university funds shall give bond  
118 for the faithful performance of their contracts in such amount  
119 and for such purposes as prescribed by s. 255.05 or by  
120 regulations ~~rules~~ of the Board of Governors relating to the type  
121 of contract involved. It shall be the duty of the university  
122 board of trustees to require from construction contractors a  
123 bond adequate to protect the board and the board's funds  
124 involved.

125 Section 7. Subsection (4) of section 1011.48, Florida  
126 Statutes, is amended to read:

127 1011.48 Establishment of educational research centers for  
128 child development.—

129 (4) The Board of Governors may adopt regulations ~~rules~~ for  
130 the establishment, operation, and supervision of educational  
131 research centers for child development. Such regulations ~~rules~~  
132 shall include, but need not be limited to: a defined method of  
133 establishment of and participation in the operation of centers  
134 by the appropriate student government associations; guidelines  
135 for the establishment of an intern program in each center; and  
136 guidelines for the receipt and monitoring of funds from grants  
137 and other sources of funds consistent with existing laws.

138 Section 8. Subsection (1) of section 1012.91, Florida  
139 Statutes, is amended to read:

140 1012.91 Personnel Records.—

141 (1) Each university board of trustees shall adopt  
142 regulations ~~rules~~ prescribing the content and custody of  
143 limited-access records that the university may maintain on its  
144 employees. Such limited-access records are confidential and  
145 exempt from the provisions of s. 119.07(1). Such records are

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146 limited to the following:

147 (a) Records containing information reflecting academic  
148 evaluations of employee performance shall be open to inspection  
149 only by the employee and by officials of the university  
150 responsible for supervision of the employee.

151 (b) Records maintained for the purposes of any  
152 investigation of employee misconduct, including but not limited  
153 to a complaint against an employee and all information obtained  
154 pursuant to the investigation of such complaint, shall be  
155 confidential until the investigation ceases to be active or  
156 until the university provides written notice to the employee who  
157 is the subject of the complaint that the university has either:

- 158 1. Concluded the investigation with a finding not to  
159 proceed with disciplinary action;  
160 2. Concluded the investigation with a finding to proceed  
161 with disciplinary action; or  
162 3. Issued a letter of discipline.

163

164 For the purpose of this paragraph, an investigation shall be  
165 considered active as long as it is continuing with a reasonable,  
166 good faith anticipation that a finding will be made in the  
167 foreseeable future. An investigation shall be presumed to be  
168 inactive if no finding is made within 90 days after the  
169 complaint is filed.

170 (c) Records maintained for the purposes of any disciplinary  
171 proceeding brought against an employee shall be confidential  
172 until a final decision is made in the proceeding. The record of  
173 any disciplinary proceeding, including any evidence presented,  
174 shall be open to inspection by the employee at all times.

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175 (d) Records maintained for the purposes of any grievance  
176 proceeding brought by an employee for enforcement of a  
177 collective bargaining agreement or contract shall be  
178 confidential and shall be open to inspection only by the  
179 employee and by officials of the university conducting the  
180 grievance proceeding until a final decision is made in the  
181 proceeding.

182 Section 9. Subsection (4) of section 1013.171, Florida  
183 Statutes, is amended to read:

184 1013.171 University lease agreements; land, facilities.—

185 (4) Agreements as provided in this section shall be entered  
186 into with an offeror resulting from publicly announced  
187 competitive bids or proposals, except that the university may  
188 enter into an agreement with an entity enumerated in paragraph  
189 (3) (a) for leasing land or with a direct-support organization as  
190 provided in s. 1004.28, which shall enter into subsequent  
191 agreements for financing and constructing the project after  
192 receiving competitive bids or proposals. Any facility  
193 constructed, lease-purchased, or purchased under such  
194 agreements, whether erected on land under the jurisdiction of  
195 the university or not, shall conform to the construction  
196 standards and codes applicable to university facilities. Each  
197 university board of trustees shall adopt such regulations ~~rules~~  
198 as are necessary to carry out its duties and responsibilities  
199 imposed by this section.

200 Section 10. Subsection (10) of section 1007.27, Florida  
201 Statutes, is repealed.

202 Section 11. Subsections (1), (3), and (10) of section  
203 1013.30, Florida Statutes, are amended, and subsection (24) is

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204 added to that section to read:

205 1013.30 University campus master plans and campus  
206 development agreements.-

207 (1) This section contains provisions for campus planning  
208 and concurrency management which ~~that~~ supersede the requirements  
209 of part II of chapter 163, except when stated otherwise in this  
210 section. These special growth management provisions are adopted  
211 in recognition of the unique relationship between university  
212 campuses and the local governments in which they are located.  
213 While the campuses provide research and educational benefits of  
214 statewide and national importance, and further provide  
215 substantial educational, economic, and cultural benefits to  
216 their host local governments, they may also have an adverse  
217 impact on the public facilities and services and natural  
218 resources of host governments. On balance, however, universities  
219 should be considered as vital public facilities of the state and  
220 local governments. The intent of this section is to address this  
221 unique relationship by providing for the preparation of campus  
222 master plans ~~and associated campus development agreements.~~

223 (3) Each university board of trustees shall prepare and  
224 adopt a campus master plan for the university and maintain a  
225 copy of the plan on the university's website. The master plan  
226 must identify general land uses and address the need for and  
227 plans for provision of roads, parking, public transportation,  
228 solid waste, drainage, sewer, potable water, and recreation and  
229 open space during the coming 10 to 20 years. The plans must  
230 contain elements relating to future land use, intergovernmental  
231 coordination, capital improvements, recreation and open space,  
232 general infrastructure, housing, and conservation. Each element



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233 must address compatibility with the surrounding community. The  
234 master plan must identify specific land uses, general location  
235 of structures, densities and intensities of use, and contain  
236 standards for onsite development, site design, environmental  
237 management, and the preservation of historic and archaeological  
238 resources. The transportation element must address reasonable  
239 transportation demand management techniques to minimize offsite  
240 impacts where possible. Data and analyses on which the elements  
241 are based must include, at a minimum: the characteristics of  
242 vacant lands; projected impacts of development on onsite and  
243 offsite infrastructure, public services, and natural resources;  
244 student enrollment projections; student housing needs; and the  
245 need for academic and support facilities. For each of the  
246 facilities and services listed in the campus master plan, the  
247 level-of-service standard established by the applicable local  
248 government and the entity that will provide the service to the  
249 campus shall be identified. Master plans must be updated at  
250 least every 5 years.

251 (10) Upon adoption of a campus master plan, the university  
252 board of trustees shall draft a proposed campus development  
253 agreement for each local government and send it to the local  
254 government within 270 days after the adoption of the relevant  
255 campus master plan. This subsection expires July 1, 2011.

256 (24) Any campus development agreement between a university  
257 board of trustees and a local government which was entered into  
258 before July 1, 2011, pursuant to subsections (10)-(23) may not  
259 be renewed upon the expiration of that agreement.

260 Section 12. Subsection (12) of section 1013.33, Florida  
261 Statutes, is amended to read:

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262 1013.33 Coordination of planning with local governing  
263 bodies.-

264 (12) As early in the design phase as feasible and  
265 consistent with an interlocal agreement entered pursuant to  
266 subsections (2)-(8), but no later than 90 days before commencing  
267 construction, the district school board shall in writing request  
268 a determination of consistency with the local government's  
269 comprehensive plan. The local governing body that regulates the  
270 use of land shall determine, in writing within 45 days after  
271 receiving the necessary information and a school board's request  
272 for a determination, whether a proposed educational facility is  
273 consistent with the local comprehensive plan and consistent with  
274 local land development regulations. If the determination is  
275 affirmative, school construction may commence and further local  
276 government approvals are not required, except as provided in  
277 this section. Failure of the local governing body to make a  
278 determination in writing within 90 days after a district school  
279 board's request for a determination of consistency shall be  
280 considered an approval of the district school board's  
281 application. Campus master plans and development agreements must  
282 comply with the provisions of s. ss. 1013.30 and 1013.63.

283 Section 13. Section 1013.63, Florida Statutes, is repealed.

284 Section 14. This act shall take effect July 1, 2011.