

By the Committees on Community Affairs; and Higher Education;
and Senator Oelrich

578-04335-11

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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 1013.33, F.S.; conforming a cross-reference; repealing
22 s. 1013.63, F.S., relating to the University
23 Concurrency Trust Fund; providing an effective date.

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

26
27 Section 1. Section 705.18, Florida Statutes, is amended to
28 read:

29 705.18 Disposal of personal property lost or abandoned on

578-04335-11

2011632c2

30 university or Florida College System institution ~~community~~
31 ~~college~~ campuses; disposition of proceeds from sale.-

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

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

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

578-04335-11

2011632c2

59 267.062 Naming of state buildings and other facilities.—

60 (3) Notwithstanding the provisions of subsection (1) or s.
61 1013.79(11), any state building, road, bridge, park,
62 recreational complex, or other similar facility of a state
63 university may be named for a living person by the university
64 board of trustees in accordance with regulations ~~rules~~ adopted
65 by the Board of Governors of the State University System.

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

68 1004.23 Universities; powers; patents, copyrights, and
69 trademarks.—Any other law to the contrary notwithstanding, each
70 state university is authorized, in its own name, to:

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

80 Section 4. Section 1010.03, Florida Statutes, is amended to
81 read:

82 1010.03 Delinquent accounts.—District school boards,
83 Florida College System institution ~~community college~~ boards of
84 trustees, and university boards of trustees:

85 (1) Shall exert every effort to collect all delinquent
86 accounts.

87 (2) May charge off or settle such accounts as may prove

578-04335-11

2011632c2

88 uncollectible.

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

91 (4) May adopt rules, except that university boards of
92 trustees may adopt regulations, as necessary, to implement the
93 provisions of this section, including setoff procedures, payroll
94 deductions, and restrictions on release of transcripts, awarding
95 of diplomas, and access to other resources and services of the
96 school district, Florida College System institution ~~community~~
97 ~~college~~, or university.

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

100 1010.04 Purchasing.—

101 (2) Each district school board and Florida College System
102 institution, ~~community college~~ board of trustees, ~~and each~~
103 ~~university board of trustees~~ shall adopt rules, and each
104 university board of trustees shall adopt regulations, to be
105 followed in making purchases.

106 Section 6. Paragraph (b) of subsection (2) of section
107 1010.07, Florida Statutes, is amended to read:

108 1010.07 Bonds or insurance required.—

109 (2)

110 (b) Contractors paid from university funds shall give bond
111 for the faithful performance of their contracts in such amount
112 and for such purposes as prescribed by s. 255.05 or by
113 regulations ~~rules~~ of the Board of Governors relating to the type
114 of contract involved. It shall be the duty of the university
115 board of trustees to require from construction contractors a
116 bond adequate to protect the board and the board's funds

578-04335-11

2011632c2

117 involved.

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

120 1011.48 Establishment of educational research centers for
121 child development.—

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

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

133 1012.91 Personnel Records.—

134 (1) Each university board of trustees shall adopt
135 regulations ~~rules~~ prescribing the content and custody of
136 limited-access records that the university may maintain on its
137 employees. Such limited-access records are confidential and
138 exempt from the provisions of s. 119.07(1). Such records are
139 limited to the following:

140 (a) Records containing information reflecting academic
141 evaluations of employee performance shall be open to inspection
142 only by the employee and by officials of the university
143 responsible for supervision of the employee.

144 (b) Records maintained for the purposes of any
145 investigation of employee misconduct, including but not limited

578-04335-11

2011632c2

146 to a complaint against an employee and all information obtained
147 pursuant to the investigation of such complaint, shall be
148 confidential until the investigation ceases to be active or
149 until the university provides written notice to the employee who
150 is the subject of the complaint that the university has either:

- 151 1. Concluded the investigation with a finding not to
152 proceed with disciplinary action;
- 153 2. Concluded the investigation with a finding to proceed
154 with disciplinary action; or
- 155 3. Issued a letter of discipline.

156
157 For the purpose of this paragraph, an investigation shall be
158 considered active as long as it is continuing with a reasonable,
159 good faith anticipation that a finding will be made in the
160 foreseeable future. An investigation shall be presumed to be
161 inactive if no finding is made within 90 days after the
162 complaint is filed.

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

168 (d) Records maintained for the purposes of any grievance
169 proceeding brought by an employee for enforcement of a
170 collective bargaining agreement or contract shall be
171 confidential and shall be open to inspection only by the
172 employee and by officials of the university conducting the
173 grievance proceeding until a final decision is made in the
174 proceeding.

578-04335-11

2011632c2

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

177 1013.171 University lease agreements; land, facilities.—

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

193 Section 10. Subsection (10) of section 1007.27, Florida
194 Statutes, is repealed.

195 Section 11. Subsection (12) of section 1013.33, Florida
196 Statutes, is amended to read:

197 1013.33 Coordination of planning with local governing
198 bodies.—

199 (12) As early in the design phase as feasible and
200 consistent with an interlocal agreement entered pursuant to
201 subsections (2)-(8), but no later than 90 days before commencing
202 construction, the district school board shall in writing request
203 a determination of consistency with the local government's

578-04335-11

2011632c2

204 comprehensive plan. The local governing body that regulates the
205 use of land shall determine, in writing within 45 days after
206 receiving the necessary information and a school board's request
207 for a determination, whether a proposed educational facility is
208 consistent with the local comprehensive plan and consistent with
209 local land development regulations. If the determination is
210 affirmative, school construction may commence and further local
211 government approvals are not required, except as provided in
212 this section. Failure of the local governing body to make a
213 determination in writing within 90 days after a district school
214 board's request for a determination of consistency shall be
215 considered an approval of the district school board's
216 application. Campus master plans and development agreements must
217 comply with the provisions of s. ss. 1013.30 and 1013.63.

218 Section 12. Section 1013.63, Florida Statutes, is repealed.

219 Section 13. This act shall take effect July 1, 2011.