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1                   A bill to be entitled  
2     An act relating to postsecondary education; amending  
3     s. 1004.345, F.S.; deleting provisions creating the  
4     University of South Florida Polytechnic; requiring  
5     that the Florida Polytechnic University meet certain  
6     criteria established by the Board of Governors by a  
7     specified date; requiring that the Board of Trustees  
8     of the Florida Polytechnic University notify the Board  
9     of Governors when such criteria are met; requiring  
10    that students enrolled at the University of South  
11    Florida Polytechnic be afforded the opportunity to  
12    complete their degrees at the University of South  
13    Florida; transferring all real and personal property,  
14    licenses and associated revenues, existing contracts,  
15    unexpended balances, appropriations, allocations,  
16    funds, and mutually agreed-upon obligations,  
17    responsibilities, and liabilities from the University  
18    of South Florida which relate to the University of  
19    South Florida Polytechnic campus, as determined by the  
20    Board of Trustees of the University of South Florida  
21    and the Board of Trustees of the Florida Polytechnic  
22    University, to the Florida Polytechnic University;  
23    transferring all Florida Industrial and Phosphate  
24    Research Institute programs, functions, offices,  
25    records, faculty positions, and staff positions from  
26    the University of South Florida Polytechnic to the  
27    Florida Polytechnic University; transferring all  
28    programs, functions, offices, records, and faculty and  
29    staff positions from the University of South Florida

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30 Polytechnic to the University of South Florida when  
31 certain transfers are complete; authorizing the Board  
32 of Trustees of the Florida Polytechnic University to  
33 certify a direct-support organization to serve the  
34 Florida Polytechnic University; requiring that the  
35 Board of Trustees of the University of South Florida  
36 and the University of South Florida Foundation develop  
37 and implement a plan to transfer the assets derived  
38 from donations that were intended for the University  
39 of South Florida Polytechnic campus after obtaining  
40 consent from the appropriate donors; providing that  
41 memoranda of understanding between the University of  
42 South Florida and the University of South Florida  
43 Polytechnic are invalid upon the act becoming a law;  
44 requiring that the University of South Florida obtain  
45 consents required by the Federal Communications  
46 Commission and third parties, and approval by the  
47 Federal Communications Commission, before assigning  
48 the educational broadband service station license to  
49 the Florida Polytechnic University; requiring that the  
50 Florida Polytechnic University retain, not subject to  
51 lease or other expense, the space occupied by the  
52 University of South Florida Polytechnic campus in the  
53 Lakeland joint-use facility; authorizing the  
54 University of South Florida to use space pursuant to a  
55 mutual agreement under certain circumstances;  
56 requiring the transfer of space at the Lakeland joint-  
57 use facility to Polk State College when the Florida  
58 Polytechnic University no longer needs the space;

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59 requiring that the University of Florida be available  
60 in an advisory or consulting capacity to assist the  
61 Florida Polytechnic University; providing that the  
62 Board of Trustees of the University of South Florida  
63 and the Board of Trustees of the Florida Polytechnic  
64 University and their respective officers, trustees,  
65 employees, attorneys, and agents are immune from civil  
66 liability; amending s. 1001.21, F.S.; revising the  
67 definition of "state university" to include the  
68 Florida Polytechnic University; amending s. 1004.346,  
69 F.S.; revising provisions relating to the Florida  
70 Industrial and Phosphate Research Institute, to  
71 conform to changes made by the act; amending s.  
72 1004.387, F.S.; providing for a doctor of pharmacy  
73 degree program at the University of South Florida;  
74 deleting provisions that authorize the development and  
75 implementation of the program on the campus of the  
76 University of South Florida Polytechnic; amending s.  
77 1013.74, F.S.; authorizing a university board of  
78 trustees to expend certain reserve or carry forward  
79 balances from prior years for capital outlay projects  
80 for a new campus for specified fiscal years; providing  
81 appropriations; providing an effective date.

82  
83 Be It Enacted by the Legislature of the State of Florida:

84  
85 Section 1. Section 1004.345, Florida Statutes, is amended  
86 to read:

87 (Substantial rewording of section. See

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88 s. 1004.345, F.S., for present text.)

89 1004.345 The Florida Polytechnic University.—

90 (1) By December 31, 2016, the Florida Polytechnic  
91 University shall meet the following criteria as established by  
92 the Board of Governors:

93 (a) Achieve accreditation from the Commission on Colleges  
94 of the Southern Association of Colleges and Schools;

95 (b) Initiate the development of the new programs in the  
96 fields of science, technology, engineering, and mathematics;

97 (c) Seek discipline-specific accreditation for programs;

98 (d) Attain a minimum FTE of 1,244, with a minimum 50  
99 percent of that FTE in the fields of science, technology,  
100 engineering, and mathematics and 20 percent in programs related  
101 to those fields;

102 (e) Complete facilities and infrastructure, including the  
103 Science and Technology Building, Phase I of the Wellness Center,  
104 and a residence hall or halls containing no fewer than 190 beds;  
105 and

106 (f) Have the ability to provide, either directly or where  
107 feasible through a shared services model, administration of  
108 financial aid, admissions, student support, information  
109 technology, and finance and accounting with an internal audit  
110 function.

111 (2) Once the criteria in subsection (1) have been met, the  
112 Board of Trustees of the Florida Polytechnic University shall  
113 notify the Board of Governors, and the Board of Governors shall  
114 conduct a final review to confirm that the criteria have been  
115 met.

116 (3) Students enrolled at the University of South Florida

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117 Polytechnic shall be afforded the opportunity to complete their  
118 degrees at the University of South Florida, subject to  
119 university criteria.

120 Section 2. The following transfers shall be made:

121 (1) All real and personal property, licenses and associated  
122 revenues, existing contracts, unexpended balances,  
123 appropriations, allocations, funds, and mutually agreed-upon  
124 obligations, responsibilities, and liabilities of the University  
125 of South Florida which relate to the University of South Florida  
126 Polytechnic campus, as determined by the Board of Trustees of  
127 the University of South Florida and the Board of Trustees of the  
128 Florida Polytechnic University, shall be transferred to the  
129 Florida Polytechnic University.

130 (2) All Florida Industrial and Phosphate Research Institute  
131 programs, functions, offices, records, faculty positions, and  
132 staff positions of the University of South Florida Polytechnic  
133 shall be transferred to the Florida Polytechnic University.

134 (3) After the transfers required in subsections (1) and (2)  
135 are complete, all programs, functions, offices, records, faculty  
136 positions, and staff positions of the University of South  
137 Florida Polytechnic shall be transferred to the University of  
138 South Florida.

139 Section 3. In accordance with s. 1004.28, Florida Statutes,  
140 and the regulations of the Board of Governors, the Board of  
141 Trustees of the Florida Polytechnic University may certify a  
142 direct-support organization to serve the Florida Polytechnic  
143 University. The Board of Trustees of the University of South  
144 Florida, in conjunction with the University of South Florida  
145 Foundation, shall develop and implement a plan to transfer,

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146 after obtaining consent from the appropriate donors, assets  
147 derived from donations intended for the enhancement of the  
148 University of South Florida Polytechnic campus to the new  
149 direct-support organization serving the Florida Polytechnic  
150 University.

151 Section 4. All memoranda of understanding between the  
152 University of South Florida and the University of South Florida  
153 Polytechnic and its successors shall be invalid upon this act  
154 becoming a law.

155 Section 5. The University of South Florida shall take  
156 appropriate action, in collaboration with the Florida  
157 Polytechnic University, to obtain all consents required by the  
158 Federal Communications Commission and third parties before  
159 assigning the educational broadband service station license that  
160 has a Federal Communications Commission-issued reference point  
161 in Polk County, Florida, to the Florida Polytechnic University.  
162 Upon obtaining such consents, and upon the approval of the  
163 Federal Communications Commission, the University of South  
164 Florida shall assign the license, along with the excess capacity  
165 lease agreement for the license, to the Florida Polytechnic  
166 University, which shall assume the benefits, obligations, and  
167 liabilities as the successor in interest, including all  
168 regulatory and contractual responsibilities. This section is  
169 contingent upon the approval of the assignment of the lease by  
170 the Federal Communications Commission.

171 Section 6. The Florida Polytechnic University shall retain,  
172 not subject to lease or other expense, the space occupied by the  
173 University of South Florida Polytechnic campus in the Lakeland  
174 joint-use facility and the associated facility utilization

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175 rights and obligations and shall allow the University of South  
176 Florida to use space pursuant to a mutual agreement specifying  
177 the space to be used for the purpose of continuing the local  
178 education of students who are enrolled at, or already admitted  
179 to, the University of South Florida Polytechnic before the  
180 effective date of this act and who wish to remain students at  
181 the University of South Florida. Such students shall be afforded  
182 the opportunity to complete their degrees at the University of  
183 South Florida, subject to university criteria. The mutual  
184 facility utilization agreement shall be adjusted annually to  
185 reflect the space needs of the University of South Florida for  
186 the purpose of continuing the local education of eligible  
187 students. The Florida Polytechnic University shall transfer  
188 space at the Lakeland joint-use facility to Polk State College  
189 as new space becomes available on the new campus of the Florida  
190 Polytechnic University. Once the Florida Polytechnic University  
191 has no further need for the space at the Lakeland joint-use  
192 facility, the Florida Polytechnic University shall complete the  
193 transfer of all remaining property and buildings of the joint-  
194 use facility to Polk State College. This section does not  
195 prevent the University of South Florida, the Florida Polytechnic  
196 University, or Polk State College from entering into mutual  
197 agreements to share or use space in the Lakeland joint-use  
198 facility.

199 Section 7. The University of Florida, using its expertise  
200 in the disciplines of science, technology, engineering, and  
201 mathematics, shall be available in an advisory or consulting  
202 capacity to assist the president and the Board of Trustees of  
203 the Florida Polytechnic University in hiring, accreditation,

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204 administration, and other areas.

205 Section 8. The Board of Trustees of the University of South  
206 Florida and the Board of Trustees of the Florida Polytechnic  
207 University, and the their respective officers, trustees,  
208 employees, attorneys, and agents, are immune from any and all  
209 civil liability pertaining to or arising from compliance with  
210 this act, including the transfers required in this act.

211 Section 9. Paragraph (1) is added to subsection (6) of  
212 section 1000.21, Florida Statutes, to read:

213 1000.21 Systemwide definitions.—As used in the Florida K-20  
214 Education Code:

215 (6) "State university," except as otherwise specifically  
216 provided, includes the following institutions and any branch  
217 campuses, centers, or other affiliates of the institution:

218 (1) The Florida Polytechnic University.

219 Section 10. Subsection (1), paragraph (b) of subsection  
220 (2), and subsection (3) of section 1004.346, Florida Statutes,  
221 are amended to read:

222 1004.346 Florida Industrial and Phosphate Research  
223 Institute.—

224 (1) INSTITUTE CREATION.—The Florida Industrial and  
225 Phosphate Research Institute is established within the Florida  
226 Polytechnic University ~~University of South Florida Polytechnic.~~

227 (2) PHOSPHATE RESEARCH AND ACTIVITIES BOARD.—The Phosphate  
228 Research and Activities Board is created to monitor the  
229 expenditure of funds appropriated to the university from the  
230 Phosphate Research Trust Fund.

231 (b) The board shall consist of five members. The Governor  
232 shall appoint two persons representing the phosphate mining or



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233 processing industry and one member representing a major  
234 environmental conservation group in the state. The Secretary of  
235 Environmental Protection or his or her designee and the  
236 president ~~Campus Executive Officer~~ of the Florida Polytechnic  
237 University ~~University of South Florida Polytechnic~~ shall also  
238 serve as board members.

239 (3) INSTITUTE EXECUTIVE DIRECTOR.—An executive director  
240 shall be designated by and serve at the pleasure of the  
241 president ~~Campus Executive Officer~~ of the Florida Polytechnic  
242 University ~~University of South Florida Polytechnic~~ or his or her  
243 designee. The executive director shall be responsible for the  
244 daily administration of the institute, including the expenditure  
245 of funds from all sources. The executive director shall consult  
246 with the Phosphate Research and Activities Board on the projects  
247 that the institute expects to undertake using moneys  
248 appropriated from the Phosphate Research Trust Fund.

249 Section 11. Section 1004.387, Florida Statutes, is amended  
250 to read:

251 1004.387 Doctor of pharmacy degree program at the  
252 University of South Florida.—A doctor of pharmacy degree program  
253 is authorized at the University of South Florida. The program  
254 shall be physically located on the new campus of the University  
255 of South Florida Polytechnic. ~~The university is authorized to~~  
256 ~~develop and implement the program within existing facilities~~  
257 ~~only until the construction of a pharmacy facility on the new~~  
258 ~~campus of the University of South Florida Polytechnic is~~  
259 ~~completed, which shall house the doctor of pharmacy degree~~  
260 ~~program.~~

261 Section 12. Subsection (6) is added to section 1013.74,

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262 Florida Statutes, to read:

263 1013.74 University authorization for fixed capital outlay  
264 projects.—

265 (6) For the 2011-2012 through 2022-2023 fiscal years, a  
266 university board of trustees may expend reserve or carry forward  
267 balances from prior year operational and programmatic  
268 appropriations for legislatively approved fixed capital outlay  
269 projects authorized for the establishment of a new campus.

270 Section 13. The sum of \$6 million is appropriated to the  
271 Medical Center at the University of South Florida from recurring  
272 general revenue for the 2012-2013 fiscal year for the purpose of  
273 funding the University of South Florida's College of Pharmacy.

274 Section 14. The sum of \$10 million is appropriated to the  
275 University of South Florida from recurring general revenue for  
276 the 2012-2013 fiscal year in Education and General Activities  
277 for the purpose of allowing students enrolled in the University  
278 of South Florida Polytechnic to complete their degrees at the  
279 University of South Florida. The appropriation of such funds is  
280 contingent upon the University of South Florida meeting the  
281 transfer requirements contained in this act and maintaining full  
282 campus and program operations, including the retention of  
283 current faculty and staff, except for employee terminations for  
284 cause, for the University of South Florida Polytechnic until  
285 June 30, 2012. The Executive Office of the Governor shall place  
286 such funds in reserve if it determines that the contingency has  
287 not been met.

288 Section 15. This act shall take effect upon becoming a law.