

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Rodrigues, R. offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (19) is added to section 1001.03, Florida Statutes, to read:

1001.03 Specific powers of State Board of Education.—

(19) PUBLIC EDUCATION CAPITAL OUTLAY.—The State Board of Education shall develop and submit the prioritized list required by s. 1013.64(4). Projects considered for prioritization shall be chosen from a preliminary selection group which shall include the list of projects maintained pursuant to paragraph (d) and the top two priorities of each Florida College System

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14 institution.

15 (a) The state board shall develop a points-based
16 prioritization method to rank projects for consideration from
17 the preliminary selection group that awards points for the
18 degree to which a project meets specific criteria compared to
19 other projects in the preliminary selection group. The state
20 board shall use criteria that evaluates the degree to which:

21 1. The project was funded previously by the Legislature
22 and the amount of funds needed for completion constitute a
23 relatively low percentage of total project costs;

24 2. The project represents a building maintenance project
25 or the repair of utility infrastructure which is necessary to
26 preserve a safe environment for students and staff, or a project
27 that is necessary to maintain the operation of a Florida College
28 System institution site, and for which the institution can
29 demonstrate that it has no other funding source available to
30 complete the project;

31 3. The project addresses the greatest current year need
32 for space as indicated by increased instructional capacity that
33 enhances educational opportunities for the greatest number of
34 students;

35 4. The project reflects the priority of the submitting
36 Florida College System institution; and

37 5. The project represents the most cost effective
38 replacement or renovation of an existing building.

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39 (b) Within the point scale developed by the state board,
40 the project scoring the highest for each criteria shall be
41 awarded the maximum points in the range of points within the
42 points scale developed by the state board. The maximum points
43 awarded for each criteria shall represent the following percent
44 of the total of maximum points:

45 1. The criteria in subparagraphs 1., 2., and 5. shall each
46 receive a maximum of 20 percent of the total maximum points.

47 2. The criteria in subparagraph 3. shall receive 35
48 percent of the total maximum points.

49 3. The criteria in subparagraph 4. shall receive 5 percent
50 of the total maximum points.

51 (c) A new construction, remodeling, or renovation project
52 that has not received an appropriation in a previous year shall
53 not be considered for inclusion on the prioritized list required
54 by s. 1013.64(4), unless:

55 1. The project is needed to preserve the safety of persons
56 using the facility or the project is consistent with a strategic
57 legislative initiative;

58 2. A plan is provided to reserve funds in an escrow
59 account, specific to the project, into which shall be deposited
60 each year an amount of funds equal to 0.5 percent of the total
61 value of the building for future maintenance;

62 3. There are sufficient excess funds from the allocation
63 provided pursuant to s. 1013.60 within the 3 year planning

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64 period which are not needed to complete the projects listed
65 pursuant to paragraph (d); and

66 4. The project has been recommended pursuant to s.
67 1013.31.

68 (d) The state board shall continually maintain a list of
69 all public education capital outlay projects for which state
70 funds were previously appropriated which have not been
71 completed. The list shall include an estimate of the amount of
72 state funding needed for the completion of each project.

73 (e) The state board shall review its space need
74 calculation methodology developed pursuant to s. 1013.31 to
75 incorporate improvements, efficiencies, or changes.
76 Recommendations shall be submitted to the chairs of the House of
77 Representatives and Senate appropriations committees by October
78 31, 2019, and every 3 years thereafter.

79 Section 2. Subsection (12) is added to section 1001.706,
80 Florida Statutes, to read:

81 1001.706 Powers and duties of the Board of Governors.—

82 (12) PUBLIC EDUCATION CAPITAL OUTLAY.—The Board of
83 Governors shall submit the prioritized list as required by s.
84 1013.64(4). Projects considered for prioritization shall be
85 chosen from a preliminary selection group which shall include
86 the list of projects maintained pursuant to paragraph (d) and
87 the top two priorities of each state university.

88 (a) The board shall develop a points-based prioritization

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89 method to rank projects for consideration from the preliminary
90 selection group that awards points for the degree to which a
91 project meets specific criteria compared to other projects in
92 the preliminary selection group. The board shall use criteria
93 that evaluates the degree to which:

94 1. The project was funded previously by the Legislature
95 and the amount of funds needed for completion constitute a
96 relatively low percentage of total project costs;

97 2. The project represents a building maintenance project
98 or the repair of utility infrastructure which is necessary to
99 preserve a safe environment for students and staff, or a project
100 that is necessary to maintain the operation of a university
101 site, and for which the university can demonstrate that it has
102 no funds available to complete the project from the sources
103 designated in s. 1011.45;

104 3. The project addresses the greatest current year need
105 for space as indicated by increased instructional or research
106 capacity that enhances educational opportunities for the
107 greatest number of students or the university's research
108 mission;

109 4. The project reflects the priority of the submitting
110 university; and

111 5. The project represents the most cost effective
112 replacement or renovation of an existing building.

113 (b) Within the point scale developed by the board, the

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114 project scoring the highest for each criteria shall be awarded
115 the maximum points in the range of points within the points
116 scale developed by the board. The maximum points awarded for
117 each criteria shall represent the following percent of the total
118 of maximum points:

119 1. The criteria in subparagraphs 1., 2., and 5. shall each
120 receive a maximum of 20 percent of the total maximum points.

121 2. The criteria in subparagraph 3. shall receive 35
122 percent of the total maximum points.

123 3. The criteria in subparagraph 4. shall receive 5 percent
124 of the total maximum points.

125 (c) A new construction, remodeling, or renovation project
126 that has not received an appropriation in a previous year shall
127 not be considered for inclusion on the prioritized list required
128 by s. 1013.64(4), unless:

129 1.a. The project is needed to preserve the safety of
130 persons using the facility or campus;

131 b. The project is consistent with a strategic legislative
132 statutory initiative; or

133 c. The institution has allocated funding equal to a
134 percentage of the total project cost. The percentage shall be no
135 less than:

136 I. Six percent for preeminent universities;

137 II. Four percent for emerging preeminent universities; and

138 III. Two percent for state universities that are neither a

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139 preeminent or emerging preeminent university;

140 2. A plan is provided to reserve funds in an escrow
141 account, specific to the project, into which shall be deposited
142 each year an amount of funds equal to 1 percent of the total
143 value of the building for future maintenance;

144 3. There exists sufficient capacity within the cash and
145 bonding estimate of funds by the Revenue Estimating Conference
146 to accommodate the project within the 3-year Public Education
147 Capital Outlay funding cycle; and

148 4. The project has been recommended pursuant to s.
149 1013.31.

150 (d) The board shall continually maintain a list of all
151 public education capital outlay projects for which state funds
152 were previously appropriated which have not been completed. The
153 list shall include an estimate of the amount of state funding
154 needed for the completion of each project.

155 (e) The board shall review its space need calculation
156 methodology developed pursuant to s. 1013.31 to incorporate
157 improvements, efficiencies, or changes. Recommendations shall be
158 submitted to the chairs of the House of Representatives and
159 Senate appropriations committees by October 31, 2019, and every
160 3 years thereafter.

161 Section 3. Section 1011.45, Florida Statutes, is amended
162 to read:

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163 1011.45 End of year balance of funds.—Unexpended amounts
164 in any fund in a university current year operating budget shall
165 be carried forward and included as the balance forward for that
166 fund in the approved operating budget for the following year.

167 (1) Each university shall maintain a minimum carry forward
168 balance of at least 7 percent of its state operating budget. If
169 a university fails to maintain a 7 percent balance in state
170 operating funds, the university shall submit a plan to the Board
171 of Governors to attain the 7 percent balance of state operating
172 funds within the next fiscal year.

173 (2) Each university that retains a state operating fund
174 carry forward balance in excess of the 7 percent minimum shall
175 submit a spending plan for its excess carry forward balance.
176 The spending plan shall be submitted to the university's board
177 of trustees for review, approval, or, if necessary, amendment by
178 September 1, 2020, and each September 1 thereafter. The Board of
179 Governors shall review, approve, and amend, as necessary, each
180 university's carry forward spending plan by October 1, 2020, and
181 each October 1 thereafter.

182 (3) A university's carry forward spending plan shall
183 include the estimated cost per planned expenditure and a
184 timeline for completion of the expenditure. Authorized
185 expenditures in a carry forward spending plan may only include:

186 (a) Commitment of funds to a public education capital
187 outlay project for which an appropriation has previously been

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188 provided that requires additional funds for completion and which
189 is included in the list required by s. 1001.706(12) (d);

190 (b) Completion of a renovation, repair, or maintenance
191 project that is consistent with the provisions of s. 1013.64(1),
192 up to \$5 million per project and replacement of a minor facility
193 that does not exceed 10,000 gross square feet in size up to \$2
194 million;

195 (c) Completion of a remodeling or infrastructure project,
196 including a project for a development research school, up to \$10
197 million per project, if such project is survey recommended
198 pursuant to s. 1013.31;

199 (d) Completion of a repair or replacement project
200 necessary due to damage caused by a natural disaster for
201 buildings included in the inventory required pursuant to s.
202 1013.31;

203 (e) Operating expenditures that support the university
204 mission and that are nonrecurring; and

205 (f) Any purpose specified in the General Appropriations
206 Act.

207 (4) Annually, by September 30, the chief financial officer
208 of each university shall certify the unexpended amount of funds
209 appropriated to the university from the General Revenue Fund,
210 the Educational Enhancement Trust Fund, and the
211 Education/General Student and Other Fees Trust Fund as of June
212 30 of the previous fiscal year.

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213 (5) A university may spend the minimum carryforward
214 balance of 7 percent if a demonstrated emergency exists and the
215 plan is approved by the university's board of trustees and the
216 Board of Governors.

217 Section 4. Section 1013.841, Florida Statutes, is created
218 to read:

219 1013.841 End of year balance of Florida College System
220 institution funds.-

221 (1) Unexpended amounts in any fund in any Florida College
222 System institution current year state operating budget shall be
223 carried forward and included as the balance forward for that
224 fund in the approved operating budget for the following year.

225 (2) (a) Each Florida College System institution with a
226 final FTE less than 15,000 for the prior year shall maintain a
227 minimum carry forward balance of at least 5 percent of its state
228 operating budget. If a Florida College System institution fails
229 to maintain a 5 percent balance in state operating funds, the
230 president shall provide written notification to the State Board
231 of Education.

232 (b) Each Florida College System institution with a final
233 FTE less than 15,000 for the prior year that retains a state
234 operating fund carry forward balance in excess of the 5 percent
235 minimum shall submit a spending plan for its excess carry
236 forward balance. The spending plan shall include all excess
237 carry forward funds from state operating funds. The spending

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238 plan shall be submitted to the Florida College System
239 institution's board of trustees for approval by September 1,
240 2020, and each September 1 thereafter. The State Board of
241 Education shall review, approve, and amend, as necessary, each
242 Florida College System institution's carry forward spending plan
243 by October 1, 2020, and each October 1 thereafter.

244 (3) (a) Each Florida College System institution with a
245 final FTE of 15,000 or greater for the prior year shall maintain
246 a minimum carry forward balance of at least 7 percent of its
247 state operating budget. If a Florida College System institution
248 fails to maintain a 7 percent balance in state operating funds,
249 the institution shall submit a plan to the State Board of
250 Education to attain the minimum balance.

251 (b) Each Florida College System institution with a final
252 FTE of 15,000 or greater for the prior year that retains a state
253 operating fund carry forward balance in excess of the 7 percent
254 minimum shall submit a spending plan for its excess carry
255 forward balance. The spending plan shall include all excess
256 carry forward funds from state operating funds. The spending
257 plan shall be submitted to the Florida College System
258 institution's board of trustees for approval by September 1,
259 2020, and each September 1 thereafter. The State Board of
260 Education shall review, approve, and amend, as necessary, each
261 Florida College System institution's carry forward spending plan
262 by October 1, 2020, and each October 1 thereafter.

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263 (4) A Florida College System institution identified in
264 paragraph (3)(a) must include in its carry forward spending plan
265 the estimated cost per planned expenditure and a timeline for
266 completion of the expenditure. Authorized expenditures in a
267 carry forward spending plan may include:

268 (a) Commitment of funds to a public education capital
269 outlay project for which an appropriation was previously
270 provided, which requires additional funds for completion, and
271 which is included in the list required by s. 1001.03(18)(d);

272 (b) Completion of a renovation, repair, or maintenance
273 project that is consistent with the provisions of s. 1013.64(1),
274 up to \$5 million per project;

275 (c) Completion of a remodeling or infrastructure project,
276 up to \$10 million per project, if such project is survey
277 recommended pursuant to s. 1013.31;

278 (d) Completion of a repair or replacement project
279 necessary due to damage caused by a natural disaster for
280 buildings included in the inventory required pursuant to s.
281 1013.31;

282 (e) Operating expenditures that support the Florida
283 College System institution's mission which are nonrecurring; and

284 (f) Any purpose approved by the state board or specified
285 in the General Appropriations Act.

286 Section 5. This act shall take effect July 1, 2019.
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T I T L E A M E N D M E N T
Remove everything before the enacting clause and insert:
A bill to be entitled
An act relating to higher education; amending s.
1001.03, F.S.; requiring the State Board of Education
to develop and submit a specified list of certain
capital outlay projects; providing requirements for
such list; requiring the state board to review a
specified methodology; amending s. 1001.706, F.S.;
requiring the Board of Governors to develop and submit
a specified list of certain capital outlay projects;
providing requirements for such list; requiring the
board to review a specified methodology; amending s.
1011.45, F.S.; requiring state universities to
maintain certain carry forward balances of certain
funds; providing requirements for state universities
that fail to maintain such balances; requiring a state
university with a carry forward balance in excess of a
specified amount to submit a carry forward spending
plan; providing requirements for such state
universities and plans; requiring the chief financial
officer of a state university to annually certify the
amount of specified funds an institution has; creating
s. 1013.841, F.S.; providing for certain Florida

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313 College System institution funds to be included in the
314 following year's approved operating budget as a carry
315 forward balance; requiring Florida College System
316 institutions to maintain certain carry forward
317 balances of certain funds; providing requirements for
318 Florida College System institutions that fail to
319 maintain such balances; requiring a Florida College
320 System institution with a carry forward balance in
321 excess of a specified amount to submit a carry forward
322 spending plan; providing requirements for Florida
323 College System institutions and such plans; providing
324 an effective date;

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