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LEGISLATIVE ACTION

Senate

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House

Floor: 2/AD/2R

04/24/2019 10:21 AM

Senator Stargel moved the following:

Senate Amendment (with title amendment)

Delete lines 336 - 515

and insert:

effective replacement or renovation of an existing building;

6. The project is deemed by the state board to be integral to the mission of the system or the institution in serving the strategic needs of communities, regions, or the state; and

7. For a new construction, remodeling, or renovation project that has not received a prior appropriation, the project has received, or has commitments to receive, funding from



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12 sources other than a project-specific state appropriation to
13 assist with completion of the project and future maintenance
14 needs associated with the project; the project is needed to
15 preserve the safety of persons using the facility; or the
16 project is consistent with a strategic legislative or state
17 board initiative.

18 (b) For each Florida College System institution with a
19 final FTE of 15,000 or greater for the prior year, a new
20 construction, remodeling, or renovation project that has not
21 received an appropriation in a previous year may not be
22 considered for inclusion on the prioritized list required by s.
23 1013.64(4), unless:

24 1. There are sufficient excess funds from the allocation
25 provided pursuant to s. 1013.60 within the 3-year planning
26 period which are not needed to complete the projects listed
27 pursuant to paragraph (d); and

28 2. The project has been recommended pursuant to s. 1013.31.

29 (c) The project scoring the highest for each criterion
30 shall be awarded the maximum points in the range of points
31 within the points scale developed by the state board. The state
32 board shall weight the value of criteria such that the maximum
33 points awarded for each criterion represents a percent of the
34 total maximum points.

35 (d) The state board shall continually maintain a list of
36 all public education capital outlay projects for which state
37 funds were previously appropriated and have not been completed.
38 The list shall include an estimate of the amount of state
39 funding needed for the completion of each project.

40 (e) The state board shall review its space need calculation



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41 methodology developed pursuant to s. 1013.03(2) (a) and present a
42 summary of its work with preliminary draft recommendations to
43 the chairs of the Senate and the House of Representatives
44 appropriations committees by January 15, 2020, and every 3 years
45 thereafter.

46 Section 4. Paragraphs (e) and (f) of subsection (5) of
47 section 1001.706, Florida Statutes, are amended, paragraph (j)
48 is added to subsection (3) and paragraph (i) is added to
49 subsection (5) of that section, and subsection (12) is added to
50 that section, to read:

51 1001.706 Powers and duties of the Board of Governors.-

52 (3) POWERS AND DUTIES RELATING TO ORGANIZATION AND
53 OPERATION OF STATE UNIVERSITIES.-

54 (j) The Board of Governors shall develop and annually
55 deliver a training program for members of each state university
56 board of trustees that addresses the role of such boards in
57 governing institutional resources and protecting the public
58 interest. At a minimum, each trustee must participate in the
59 training program within 1 year of appointment and reappointment
60 to a university board of trustees. The program must include
61 information on trustee responsibilities relating to all of the
62 following:

63 1. Meeting the statutory, regulatory, and fiduciary
64 obligations of the board.

65 2. Establishing internal process controls and
66 accountability mechanisms for the institution's president and
67 other administrative officers.

68 3. Oversight of planning, construction, maintenance,
69 expansion, and renovation projects that impact the university's



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70 consolidated infrastructure, physical facilities, and natural
71 environment, including its lands, improvements, and capital
72 equipment.

73 4. Establishing policies that promote college
74 affordability, including ensuring that the costs of university
75 fees, textbooks, and instructional materials are minimized
76 whenever possible.

77 5. Creation and implementation of institutionwide rules and
78 regulations.

79 6. Institutional ethics and conflicts of interest.

80 7. Best practices for board governance.

81 8. Understanding current national and state issues in
82 higher education.

83 9. Any other responsibilities the Board of Governors deems
84 necessary or appropriate.

85 (5) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.—

86 (e) The Board of Governors shall maintain an effective
87 information system to provide accurate, timely, and cost-
88 effective information about each university. The board shall
89 continue to collect and maintain, at a minimum, management
90 information as such information existed on June 30, 2002. To
91 ensure consistency, the Board of Governors shall define the data
92 components and methodology used to implement ss. 1001.7065 and
93 1001.92. Each university shall conduct an annual audit to verify
94 that the data submitted pursuant to ss. 1001.7065 and 1001.92
95 complies with the data definitions established by the board and
96 submit the audits to the Board of Governors Office of Inspector
97 General as part of the annual certification process required by
98 the Board of Governors.



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99 (f) If the Board of Governors of the State University
100 System, the presiding officer of either house of the
101 Legislature, the Chief Financial Officer, or the chairperson of
102 the board of trustees of the institution for which an
103 investigation is sought determines that a state university board
104 of trustees is unwilling or unable to address substantiated
105 allegations made by any person relating to waste, fraud, or
106 financial mismanagement within the state university, the Office
107 of the Inspector General shall investigate the allegations.

108 (i) The Board of Governors shall match individual student
109 information with information in the files of state and federal
110 agencies that maintain educational and employment records. The
111 board must enter into an agreement with the Department of
112 Economic Opportunity that allows access to the individual
113 reemployment assistance wage records maintained by the
114 department. The agreement must protect individual privacy and
115 provide that student information may be used only for the
116 purposes of auditing or evaluating higher education programs
117 offered by state universities.

118 (12) PUBLIC EDUCATION CAPITAL OUTLAY.—The Board of
119 Governors shall submit the prioritized list as required by s.
120 1013.64(4). Projects considered for prioritization shall be
121 chosen from a preliminary selection group that shall include the
122 list of projects maintained pursuant to paragraph (d) and up to
123 the top five ranked priorities of each state university.

124 (a) The board shall develop a points-based prioritization
125 method to rank projects for consideration from the preliminary
126 selection group and award points for the degree to which a
127 project meets specific criteria compared to other projects in



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128 the preliminary selection group. The board shall consider
129 criteria that evaluate the degree to which:

130 1. The project was funded previously by the Legislature and
131 the amount of funds needed for completion constitutes a
132 relatively low percentage of total project costs;

133 2. The project represents a building maintenance project or
134 the repair of utility infrastructure which is necessary to
135 preserve a safe environment for students and staff, or a project
136 that is necessary to maintain the operation of a university
137 site, and for which the university can demonstrate it has no
138 other fund source available to complete the project;

139 3. The project addresses the greatest current or projected
140 need for space as indicated by factors such as increased
141 instructional or research capacity that enhances educational
142 opportunities for students;

143 4. The project reflects a ranked priority of the submitting
144 university;

145 5. The project represents the most practical and cost
146 effective replacement or renovation of an existing building;

147 6. The project is deemed integral to the mission of the
148 system or the institution in serving the strategic needs of
149 communities, regions, or this state; and

150 7. For a new construction, remodeling, or renovation
151 project that has not received a prior appropriation, the project
152 has received, or has commitments to receive, funding from
153 sources other than a project-specific state appropriation to
154 assist with completion of the project and future maintenance
155 needs associated with the project; the project is needed to
156 preserve the safety of persons using the facility; or the



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157 project is consistent with a strategic legislative or board
158 initiative.

159 (b) A new construction, remodeling, or renovation project
160 that has not received an appropriation in a previous year may
161 not be considered for inclusion on the prioritized list required
162 by s. 1013.64(4), unless:

163 1. There are sufficient excess funds from the allocation
164 provided pursuant to s. 1013.60 within the 3-year planning
165 period which are not needed to complete the projects listed
166 pursuant to paragraph (d); and

167 2. The project has been recommended pursuant to s. 1013.31.

168 (c) The project scoring the highest for each criterion
169 shall be awarded the maximum points in the range of points
170 within the points scale developed by the board. The board shall
171 weight the value of criteria such that the maximum points
172 awarded for each criterion represent a percent of the total of
173 maximum points.

174 (d) The board shall continually maintain a list of all
175 public education capital outlay projects for which state funds
176 were previously appropriated which have not been completed. The
177 list shall include an estimate of the amount of state funding
178 needed for the completion of each project.

179 (e) The board shall review its space need calculation
180 methodology developed pursuant to s. 1013.03(2)(a) and present a
181 summary of its work with preliminary draft recommendations to
182 the chairs of the Senate and the House of Representatives
183 appropriations committees by January 15, 2020, and every 3 years
184 thereafter.

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186 ===== T I T L E A M E N D M E N T =====

187 And the title is amended as follows:

188 Delete lines 19 - 50

189 and insert:

190 rank projects based on specified criteria; specifying
191 that specified new projects at a Florida College
192 System institution with a final FTE of 15,000 or
193 greater must satisfy specified criteria; requiring
194 weighted values within the point scale; requiring the
195 State Board of Education to maintain a list of capital
196 outlay projects for which state funds have been
197 appropriated but which have not been completed;
198 requiring the State Board of Education to review its
199 space need calculation methodology and to present a
200 summary and preliminary recommendations to the chairs
201 of the legislative appropriations committees by a
202 specified date and at a specified interval thereafter;
203 amending s. 1001.706, F.S.; requiring the Board of
204 Governors to develop and annually deliver a training
205 program for members of state university boards of
206 trustees; requiring trustee participation within a
207 specified timeframe of appointment and reappointment;
208 requiring the inclusion of certain information in the
209 training program; requiring the board to define data
210 components and methodology for specified purposes;
211 requiring state universities to submit annual
212 institutional audits to the board's Office of
213 Inspector General; providing that a determination by
214 specified persons in addition to the Board of



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215 Governors may cause the Office of the Inspector
216 General to investigate specified allegations against a
217 state university or its board of trustees; requiring
218 the board to match certain student information with
219 specified educational and employment records;
220 requiring the board to enter into an agreement with
221 the Department of Economic Opportunity for certain
222 purposes; providing requirements for such agreement;
223 requiring the Board of Governors to develop a
224 prioritized list of capital projects based on
225 previously funded but not completed projects and
226 ranked priorities at state universities; requiring the
227 Board of Governors to develop a points-based
228 prioritization method to rank projects based on
229 specified criteria; requiring the board to consider
230 specified criteria for certain projects; requiring
231 weighted values within the point scale; requiring the