

1 A bill to be entitled

2 An act relating to higher education; amending s.  
3 11.45, F.S.; revising the duties of the Auditor  
4 General; amending s. 216.136, F.S.; revising the  
5 duties of the Revenue Estimating Conference to include  
6 specified estimates; requiring the conference to  
7 determine an alternative calculation for specified  
8 fiscal years; providing for the future expiration of  
9 certain provisions; amending s. 1001.03, F.S.;  
10 requiring the State Board of Education to develop and  
11 submit a specified list of certain capital outlay  
12 projects; providing requirements for such list;  
13 requiring the state board to review a specified  
14 methodology; amending s. 1001.64, F.S.; prohibiting  
15 the transfer of a certain fund by a Florida College  
16 System institution board of trustees except under  
17 certain conditions; amending s. 1001.706, F.S.;  
18 requiring the Board of Governors to develop and submit  
19 a specified list of certain capital outlay projects;  
20 providing requirements for such list; requiring the  
21 board to review a specified methodology; amending s.  
22 1001.73, F.S.; prohibiting the transfer of certain  
23 fund by a state university board of trustees except  
24 under certain conditions; amending s. 1004.28, F.S.;  
25 providing requirements for the transfer of certain

26 funds from state university boards of trustees to a  
27 direct-support organization; providing that certain  
28 records of state university direct-support  
29 organizations are exempt from certain public records  
30 requirements; amending s. 1004.70, F.S.; authorizing a  
31 Florida College System institution board of trustees  
32 to prescribe certain rules relating to its direct-  
33 support organizations; providing requirements for  
34 transfer of state appropriations to a Florida College  
35 System institution direct-support organization;  
36 providing reporting requirements; prohibiting the  
37 transfer of funds to certain Florida College System  
38 institution direct-support organizations; deleting an  
39 exception to the prohibition against direct-support  
40 organizations donating gifts to a political committee;  
41 amending s. 1009.531, F.S.; deleting obsolete  
42 language; revising certain initial eligibility  
43 requirements for certain Florida Bright Futures  
44 awards; requiring the Department of Education to  
45 develop a method for determining certain assessment  
46 scores for the initial eligibility requirements for  
47 certain Florida Bright Futures awards; requiring the  
48 department to publish certain changes before each  
49 school year; amending s. 1011.41, F.S.; revising  
50 requirements for state university appropriations;

51 amending s. 1011.45, F.S.; requiring state  
52 universities to maintain certain carry forward  
53 balances of certain funds; providing requirements for  
54 state universities that fail to maintain such  
55 balances; requiring a state university with a carry  
56 forward balance in excess of a specified amount to  
57 submit a carry forward spending plan; providing  
58 requirements for such state universities and plans;  
59 requiring the Chief Financial Officer of a state  
60 university to annually certify the amount of specified  
61 funds an institution has; amending s. 1011.84, F.S.;  
62 requiring the Chief Financial Officer of Florida  
63 College System institutions to annually certify the  
64 amount of specified funds an institution has; amending  
65 s. 1013.03, F.S.; revising the functions of the  
66 Department of Education and the Board of Governors  
67 relating to educational facilities for school  
68 districts, Florida College System institutions, and  
69 state universities, respectively; amending s. 1013.31,  
70 F.S.; requiring state university and Florida College  
71 System institution plant surveys to include specified  
72 information; requiring state universities and Florida  
73 College System institutions to adjust certain  
74 estimates when calculating specified needs; requiring  
75 the Board of Governors and State Board of Education to

76 post certain data on their websites; providing  
77 requirements for such data; amending s. 1013.60, F.S.;  
78 requiring the Commissioner of Education to develop a  
79 budget request allocation plan; providing requirements  
80 for such plan; requiring the commissioner to include a  
81 specified assessment with each plan; amending s.  
82 1013.64, F.S.; requiring the Board of Governors and  
83 State Board of Education to adopt regulations and  
84 rules, respectively, for the reporting of certain  
85 information relating to allocations to the Public  
86 Education Capital Outlay and Debt Service Trust Fund;  
87 requiring the Board of Governors and State Board of  
88 Education to submit a certain list within a specified  
89 time period; providing requirements for such list;  
90 creating s. 1013.841, F.S.; providing for certain  
91 Florida College System institution funds to be  
92 included in the following year's approved operating  
93 budget as a carry forward balance; requiring Florida  
94 College System institutions to maintain certain carry  
95 forward balances of certain funds; providing  
96 requirements for Florida College System institutions  
97 that fail to maintain such balances; requiring a  
98 Florida College System institution with a carry  
99 forward balance in excess of a specified amount to  
100 submit a carry forward spending plan; providing

101 requirements for such state universities and plans;  
 102 requiring survey recommended projects from state  
 103 universities and Florida College System institutions  
 104 to be reviewed and revised to include a specific  
 105 calculation; providing that projects without such  
 106 calculation shall be considered not survey  
 107 recommended; providing an effective date.  
 108

109 Be It Enacted by the Legislature of the State of Florida:  
 110

111 Section 1. Paragraph (c) of subsection (2) of section  
 112 11.45, Florida Statutes, is amended to read:

113 11.45 Definitions; duties; authorities; reports; rules.—

114 (2) DUTIES.—The Auditor General shall:

115 (c) Annually conduct financial audits of all state  
 116 universities and Florida College System institutions and verify  
 117 the accuracy of the amounts certified by each state university  
 118 and Florida College System institution Chief Financial Officer  
 119 pursuant to ss. 1011.45 and 1011.84 ~~state colleges.~~  
 120

121 The Auditor General shall perform his or her duties  
 122 independently but under the general policies established by the  
 123 Legislative Auditing Committee. This subsection does not limit  
 124 the Auditor General's discretionary authority to conduct other  
 125 audits or engagements of governmental entities as authorized in

126 subsection (3).

127 Section 2. Subsection (3) of section 216.136, Florida  
 128 Statutes, is amended to read:

129 216.136 Consensus estimating conferences; duties and  
 130 principals.—

131 (3) REVENUE ESTIMATING CONFERENCE.—

132 (a) The Revenue Estimating Conference shall develop such  
 133 official information with respect to anticipated state and local  
 134 government revenues as the conference determines is needed for  
 135 the state planning and budgeting system. Any principal may  
 136 request the conference to review and estimate revenues for any  
 137 trust fund.

138 (b) For each year in a forecast period, the Revenue  
 139 Estimating Conference must provide a maximum appropriation  
 140 estimate, which includes bonding, for funds accruing to the  
 141 Public Education fixed Capital Outlay and Debt Service Trust  
 142 Fund. The maximum available appropriation estimate for each year  
 143 must assume the full utilization of available bonding capacity,  
 144 as limited by s. 215.61, and the full utilization of remaining  
 145 available cash balances.

146 (c) For each of the 2020-2021, 2021-2022, and 2022-2023  
 147 fiscal years and in lieu of the estimate provided in paragraph  
 148 (b), the conference shall determine maximum appropriations  
 149 available for funds accruing to the Public Education Capital  
 150 Outlay and Debt Service Trust Fund assuming that the bonding

151 capacity for each year is equal to the average of annual bonding  
152 capacities, as determined under paragraph (b), of that year and  
153 the years remaining through the 2022-2023 fiscal year. This  
154 paragraph expires July 1, 2023.

155 Section 3. Subsection (18) is added to section 1001.03,  
156 Florida Statutes, to read:

157 1001.03 Specific powers of State Board of Education.—

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

165 (a) The state board shall develop a points-based  
166 prioritization method to rank projects for consideration from  
167 the preliminary selection group that awards points for the  
168 degree to which a project meets specific criteria compared to  
169 other projects in the preliminary selection group. The state  
170 board shall use criteria that evaluates the degree to which:

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

174 2. The project represents a building maintenance project  
175 or the repair of utility infrastructure which is necessary to

176 preserve a safe environment for students and staff, or a project  
177 that is necessary to maintain the operation of a Florida College  
178 System institution site, and for which the institution can  
179 demonstrate that it has no other funding source available to  
180 complete the project;

181 3. The project addresses the greatest current year need  
182 for space as indicated by increased instructional capacity that  
183 enhances educational opportunities for the greatest number of  
184 students;

185 4. The project reflects the priority of the submitting  
186 Florida College System institution; and

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

189 (b) Within the point scale developed by the state board,  
190 the project scoring the highest for each criteria shall be  
191 awarded the maximum points in the range of points within the  
192 points scale developed by the state board. The maximum points  
193 awarded for each criteria shall represent the following percent  
194 of the total of maximum points:

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

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

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



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

205       1. The institution has allocated funding equal to no less  
206 than 10 percent of the total project cost or the project is  
207 needed to preserve the safety of persons using the facility or  
208 the project is consistent with a strategic legislative  
209 initiative;

210       2. A plan is provided to reserve funds in an escrow  
211 account, specific to the project, into which shall be deposited  
212 each year an amount of funds equal to 3 percent of the total  
213 value of the building for future maintenance;

214       3. There are sufficient excess funds from the allocation  
215 provided pursuant to s. 1013.60 within the 3 year planning  
216 period which are not needed to complete the projects listed  
217 pursuant to paragraph (d); and

218       4. The project has been recommended pursuant to s.  
219 1013.31.

220       (d) The state board shall continually maintain a list of  
221 all public education capital outlay projects for which state  
222 funds were previously appropriated which have not been  
223 completed. The list shall include an estimate of the amount of  
224 state funding needed for the completion of each project.

225       (e) The state board shall review its space need

226 calculation methodology developed pursuant to s. 1013.31 to  
 227 incorporate improvements, efficiencies, or changes.  
 228 Recommendations shall be submitted to the chairs of the House of  
 229 Representatives and Senate appropriations committees by October  
 230 31, 2019, and every 3 years thereafter.

231 Section 4. Subsection (11) of section 1001.64, Florida  
 232 Statutes, is amended to read:

233 1001.64 Florida College System institution boards of  
 234 trustees; powers and duties.—

235 (11) Each board of trustees shall submit an institutional  
 236 budget request, including a request for fixed capital outlay,  
 237 and an operating budget to the State Board of Education for  
 238 review in accordance with guidelines established by the State  
 239 Board of Education. A board of trustees may not transfer state  
 240 funds that are appropriated to the Florida College System  
 241 institution from the General Revenue Fund, the Educational  
 242 Enhancement Trust Fund, or from authorized tuition and fee  
 243 revenue between the General Funds-Current funds unrestricted  
 244 (Fund 1) and other institutional funds without authorization in  
 245 the General Appropriations Act or approval by the Legislative  
 246 Budget Commission pursuant to chapter 216.

247 Section 5. Subsection (12) is added to section 1001.706,  
 248 Florida Statutes, to read:

249 1001.706 Powers and duties of the Board of Governors.—

250 (12) PUBLIC EDUCATION CAPITAL OUTLAY.—The Board of

251 Governors shall submit the prioritized list as required by s.  
252 1013.64(4). Projects considered for prioritization shall be  
253 chosen from a preliminary selection group which shall include  
254 the list of projects maintained pursuant to paragraph (d) and  
255 the top two priorities of each state university.

256 (a) The board shall develop a points-based prioritization  
257 method to rank projects for consideration from the preliminary  
258 selection group that awards points for the degree to which a  
259 project meets specific criteria compared to other projects in  
260 the preliminary selection group. The board shall use criteria  
261 that evaluates the degree to which:

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

265 2. The project represents a building maintenance project  
266 or the repair of utility infrastructure which is necessary to  
267 preserve a safe environment for students and staff, or a project  
268 that is necessary to maintain the operation of a university  
269 site, and for which the university can demonstrate that it has  
270 no other fund source available to complete the project;

271 3. The project addresses the greatest current year need  
272 for space as indicated by increased instructional capacity that  
273 enhances educational opportunities for the greatest number of  
274 students;

275 4. The project reflects the priority of the submitting

276 university; and

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

279 (b) Within the point scale developed by the board, the  
280 project scoring the highest for each criteria shall be awarded  
281 the maximum points in the range of points within the points  
282 scale developed by the board. The maximum points awarded for  
283 each criteria shall represent the following percent of the total  
284 of maximum points:

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

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

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

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

295 1. The institution has allocated funding equal to no less  
296 than 15 percent of the total project cost or the project is  
297 needed to preserve the safety of persons using the facility or  
298 campus or the project is consistent with a strategic legislative  
299 initiative;

300 2. A plan is provided to reserve funds in an escrow

301 account, specific to the project, into which shall be deposited  
 302 each year an amount of funds equal to 3 percent of the total  
 303 value of the building for future maintenance;

304 3. There are sufficient excess funds from the allocation  
 305 provided pursuant to s. 1013.60 within the 3 year planning  
 306 period which are not needed to complete the projects listed  
 307 pursuant to paragraph (d); and

308 4. The project has been recommended pursuant to s.  
 309 1013.31.

310 (d) The board shall continually maintain a list of all  
 311 public education capital outlay projects for which state funds  
 312 were previously appropriated which have not been completed. The  
 313 list shall include an estimate of the amount of state funding  
 314 needed for the completion of each project.

315 (e) The board shall review its space need calculation  
 316 methodology developed pursuant to s. 1013.31 to incorporate  
 317 improvements, efficiencies, or changes. Recommendations shall be  
 318 submitted to the chairs of the House of Representatives and  
 319 Senate appropriations committees by October 31, 2019, and every  
 320 3 years thereafter.

321 Section 6. Subsection (4) of section 1001.73, Florida  
 322 Statutes, is amended to read:

323 1001.73 University board empowered to act as trustee.—

324 (4) A board of trustees of a state university may not  
 325 transfer ~~in excess of \$1 million in funds~~ that are appropriated

326 to the state university in the General Revenue Fund, the  
327 Educational Enhancement Trust Fund, and the Education/General  
328 Student and Other Fees Trust Fund between the Education and  
329 General Activities category and other program categories and any  
330 other institutional fund without authorization in the General  
331 Appropriations Act or approval by the Legislative Budget  
332 Commission pursuant to chapter 216. A board of trustees may  
333 request additional transfer authority from the Board of  
334 Governors. Upon approval of the additional transfer authority by  
335 the Board of Governors, the Board of Governors may request a  
336 budget amendment to transfer appropriations for a state  
337 university between categories in excess of \$1 million. Such  
338 transfers are subject to review and approval by the Legislative  
339 Budget Commission.

340 Section 7. Paragraph (b) of subsection (2) and paragraph  
341 (b) of subsection (5) of section 1004.28, Florida Statutes, are  
342 amended to read:

343 1004.28 Direct-support organizations; use of property;  
344 board of directors; activities; audit; facilities.—

345 (2) USE OF PROPERTY.—

346 (b) The board of trustees, in accordance with regulations  
347 and guidelines of the Board of Governors, shall prescribe by  
348 regulation conditions with which a university direct-support  
349 organization must comply in order to use property, facilities,  
350 or personal services at any state university, including that

351 personal services must comply with s. 1012.976. Such regulations  
 352 shall provide for budget and audit review and oversight by the  
 353 board of trustees, including thresholds for approval of  
 354 purchases, acquisitions, projects, and issuance of debt.  
 355 Beginning ~~No later than~~ July 1, 2019, the transfer of an a state  
 356 appropriation from the General Revenue Fund, the Educational  
 357 Enhancement Trust Fund, and the Education/General Student and  
 358 Other Fees Trust Fund by the board of trustees to any direct-  
 359 support organization may ~~only~~ include only funds pledged for  
 360 capital projects and shall be transferred pursuant to s.  
 361 1001.73(4). ~~Beginning July 1, 2019, and annually thereafter,~~  
 362 ~~each university board of trustees shall report to the~~  
 363 ~~Legislature the amount of state appropriations transferred to~~  
 364 ~~any direct-support organization during the previous fiscal year,~~  
 365 ~~the purpose for which the funds were transferred, and the~~  
 366 ~~remaining balance of any funds transferred.~~

367 (5) ANNUAL AUDIT; PUBLIC RECORDS EXEMPTION; PUBLIC  
 368 MEETINGS EXEMPTION.—

369 (b) ~~Other than the auditor's report, management letter,~~  
 370 ~~any records related to the expenditure of state funds, and any~~  
 371 ~~financial records related to the expenditure of private funds~~  
 372 ~~for travel,~~ All records of the organization, other than the  
 373 auditor's report, management letter, any information necessary  
 374 for the auditor's report, any information related to the  
 375 expenditure of funds, and any supplemental data requested by the

376 Board of Governors, the university board of trustees, the  
 377 Auditor General, and the Office of Program Policy Analysis and  
 378 Government Accountability shall be confidential and exempt from  
 379 s. 119.07(1).

380 Section 8. Paragraphs (b) and (c) of subsection (3) and  
 381 paragraph (d) of subsection (4) of section 1004.70, Florida  
 382 Statutes, are amended to read:

383 1004.70 Florida College System institution direct-support  
 384 organizations.—

385 (3) USE OF PROPERTY.—

386 (b) The board of trustees is authorized to prescribe by  
 387 rule any condition with which a Florida College System  
 388 institution direct-support organization must comply in order to  
 389 use property, facilities, or personal services at any Florida  
 390 College System institution, including that personal services  
 391 must comply with s. 1012.976. Such rules shall provide for  
 392 budget and audit review and oversight by the board of trustees,  
 393 including thresholds for approval of purchases, acquisitions,  
 394 projects, and the issuance of debt. Beginning July 1, 2019, the  
 395 transfer of a state appropriation by the board of trustees to  
 396 any direct-support organization with a fund balance of greater  
 397 than \$50 million may include only funds pledged for capital  
 398 projects. Each Florida College System institution board of  
 399 trustees shall report annually to the Legislature the amount of  
 400 state appropriations transferred to any direct-support



401 organization during the previous fiscal year, the purpose for  
402 which the funds were transferred, and the remaining balance of  
403 any funds transferred.

404 (c) The board of trustees may not transfer any funds to  
405 and may not authorize ~~permit~~ the use of property, facilities, or  
406 personal services at any Florida College System institution by  
407 any Florida College System institution direct-support  
408 organization that does not provide equal employment  
409 opportunities to all persons regardless of race, color, national  
410 origin, gender, age, or religion.

411 (4) ACTIVITIES; RESTRICTIONS.—

412 (d) A Florida College System institution direct-support  
413 organization is prohibited from giving, either directly or  
414 indirectly, any gift to a political committee as defined in s.  
415 106.011 for any purpose ~~other than those certified by a majority~~  
416 ~~roll call vote of the governing board of the direct-support~~  
417 ~~organization at a regularly scheduled meeting as being directly~~  
418 ~~related to the educational mission of the Florida College System~~  
419 ~~institution.~~

420 Section 9. Subsections (2) and (6) of section 1009.531,  
421 Florida Statutes, are amended to read:

422 1009.531 Florida Bright Futures Scholarship Program;  
423 student eligibility requirements for initial awards.—

424 (2)(a) ~~A student graduating from high school prior to the~~  
425 ~~2010-2011 academic year is eligible to accept an initial award~~

426 ~~for 3 years following high school graduation and to accept a~~  
427 ~~renewal award for 7 years following high school graduation. A~~  
428 ~~student who applies for an award by high school graduation and~~  
429 ~~who meets all other eligibility requirements, but who does not~~  
430 ~~accept his or her award, may reapply during subsequent~~  
431 ~~application periods up to 3 years after high school graduation.~~  
432 ~~For a student who enlists in the United States Armed Forces~~  
433 ~~immediately after completion of high school, the 3-year~~  
434 ~~eligibility period for his or her initial award shall begin upon~~  
435 ~~the date of separation from active duty. For a student who is~~  
436 ~~receiving a Florida Bright Futures Scholarship and discontinues~~  
437 ~~his or her education to enlist in the United States Armed~~  
438 ~~Forces, the remainder of his or her 7-year renewal period shall~~  
439 ~~commence upon the date of separation from active duty.~~

440 ~~(b) Students graduating from high school in the 2010-2011~~  
441 ~~and 2011-2012 academic years are eligible to accept an initial~~  
442 ~~award for 3 years following high school graduation and to accept~~  
443 ~~a renewal award for 5 years following high school graduation. A~~  
444 ~~student who applies for an award by high school graduation and~~  
445 ~~who meets all other eligibility requirements, but who does not~~  
446 ~~accept his or her award, may reapply during subsequent~~  
447 ~~application periods up to 3 years after high school graduation.~~  
448 ~~For a student who enlists in the United States Armed Forces~~  
449 ~~immediately after completion of high school, the 3-year~~  
450 ~~eligibility period for his or her initial award and the 5-year~~

451 ~~renewal period shall begin upon the date of separation from~~  
452 ~~active duty. For a student who is receiving a Florida Bright~~  
453 ~~Futures Scholarship award and discontinues his or her education~~  
454 ~~to enlist in the United States Armed Forces, the remainder of~~  
455 ~~his or her 5-year renewal period shall commence upon the date of~~  
456 ~~separation from active duty. If a course of study is not~~  
457 ~~completed after 5 academic years, an exception of 1 year to the~~  
458 ~~renewal timeframe may be granted due to a verifiable illness or~~  
459 ~~other documented emergency pursuant to s. 1009.40(1)(b)4.~~

460 (e) A student graduating from high school in the 2012-2013  
461 academic year and thereafter is eligible to accept an initial  
462 award for 2 years following high school graduation and to accept  
463 a renewal award for 5 years following high school graduation. A  
464 student who applies for an award by high school graduation and  
465 who meets all other eligibility requirements, but who does not  
466 accept his or her award, may reapply during subsequent  
467 application periods up to 2 years after high school graduation.  
468 For a student who enlists in the United States Armed Forces  
469 immediately after completion of high school, the 2-year  
470 eligibility period for his or her initial award and the 5-year  
471 renewal period shall begin upon the date of separation from  
472 active duty. For a student who is receiving a Florida Bright  
473 Futures Scholarship award and discontinues his or her education  
474 to enlist in the United States Armed Forces, the remainder of  
475 his or her 5-year renewal period shall commence upon the date of

476 separation from active duty. For a student who is unable to  
477 accept an initial award immediately after completion of high  
478 school due to a full-time religious or service obligation  
479 lasting at least 18 months, the 2-year eligibility period for  
480 his or her initial award and the 5-year renewal period begin  
481 upon the completion of his or her religious or service  
482 obligation. The organization sponsoring the full-time religious  
483 or service obligation must meet the requirements for nonprofit  
484 status under s. 501(c)(3) of the Internal Revenue Code or be a  
485 federal government service organization, including, but not  
486 limited to, the Peace Corps and AmeriCorps programs. The  
487 obligation must be documented in writing and verified by the  
488 entity for which the student completed the obligation on a  
489 standardized form prescribed by the department. If a course of  
490 study is not completed after 5 academic years, an exception of 1  
491 year to the renewal timeframe may be granted due to a verifiable  
492 illness or other documented emergency pursuant to s.  
493 1009.40(1)(b)4.

494 (6)(a) The State Board of Education shall publicize the  
495 examination score required for a student to be eligible for a  
496 Florida Academic Scholars award, pursuant to s. 1009.534(1)(a)  
497 or (b), as follows:

498 1. For high school students graduating in the 2018-2019  
499 and 2019-2020 academic years, a student must achieve an SAT  
500 combined score of 1290 or an ACT composite score of 29.

501        2. For high school students graduating in the 2020-2021  
502 academic year and thereafter, a student must achieve one of the  
503 required examination scores published by the department, which  
504 are determined as provided in paragraph (c) ~~High school students~~  
505 ~~must earn an SAT score of 1290 which corresponds to the 89th SAT~~  
506 ~~percentile rank or a concordant ACT score of 29.~~

507        (b) The State Board of Education shall publicize the  
508 examination score required for a student to be eligible for a  
509 Florida Medallion Scholars award, pursuant to s. 1009.535(1)(a)  
510 or (b), as follows:

511        1. For high school students graduating in the 2018-2019  
512 and 2019-2020 academic years, a student must achieve an SAT  
513 combined score of 1170 or an ACT composite score of 26.

514        2. For high school students graduating in the 2020-2021  
515 academic year and thereafter, a student must achieve one of the  
516 required examination scores published by the department, which  
517 are determined as provided in paragraph (c) ~~High school students~~  
518 ~~must earn an SAT score of 1170 which corresponds to the 75th SAT~~  
519 ~~percentile rank or a concordant ACT score of 26.~~

520        (c) To ensure that the required examination scores  
521 represent top student performance and are equivalent between the  
522 SAT and ACT, the department shall develop a method for  
523 determining the required examination scores which incorporates  
524 all of the following:

525        1. The minimum required SAT score for the Florida Academic

526 Scholars award, which must be set no lower than the 89th  
527 national percentile on the SAT. The department may adjust the  
528 required SAT score only if the required score drops below the  
529 89th national percentile, and any such adjustment must be  
530 applied to the bottom of the SAT score range that is concordant  
531 to the ACT.

532 2. The minimum required SAT score for the Florida  
533 Medallion Scholars award, which must be set no lower than the  
534 75th national percentile on the SAT. The department may adjust  
535 the required SAT score only if the required score drops below  
536 the 75th national percentile, and any such adjustment must be  
537 made to the bottom of the SAT score range that is concordant to  
538 the ACT.

539 3. The required ACT scores, which must be made concordant  
540 to the required SAT scores, using the latest published national  
541 concordance table developed jointly by the College Board and  
542 ACT, Inc.

543 (d) Before each school year, the department shall publish  
544 any changes to the examination score requirements that apply to  
545 students graduating in the next 2 years ~~The SAT percentile ranks~~  
546 ~~and corresponding SAT scores specified in paragraphs (a) and (b)~~  
547 ~~are based on the SAT percentile ranks for 2010 college-bound~~  
548 ~~seniors in critical reading and mathematics as reported by the~~  
549 ~~College Board. The next highest SAT score is used when the~~  
550 ~~percentile ranks do not directly correspond.~~

551 Section 10. Section 1011.41, Florida Statutes, is amended  
552 to read:

553 1011.41 University appropriations.—Funds for the general  
554 operations of universities shall be requested and appropriated,  
555 within budget entities, program components, program categories,  
556 lump sums, or special categories, as Aid to Local Governments  
557 Grants and Aids, subject to provisions of the General  
558 Appropriations Act. Funds provided to state universities in the  
559 General Appropriations Act are contingent upon each university  
560 complying with the tuition and fee policies established in the  
561 proviso language and with the tuition and fee policies for state  
562 universities included in part II of chapter 1009. However, the  
563 funds appropriated to a specific university shall not be  
564 affected by the failure of another university to comply with  
565 this provision.

566 Section 11. Section 1011.45, Florida Statutes, is amended  
567 to read:

568 1011.45 End of year balance of funds.—Unexpended amounts  
569 in any fund in a university current year operating budget shall  
570 be carried forward and included as the balance forward for that  
571 fund in the approved operating budget for the following year.

572 (1) Each university shall maintain a minimum carry forward  
573 balance of at least 7 percent of its state operating budget. If  
574 a university fails to maintain a 7 percent balance in state  
575 operating funds, the university shall submit a plan to the Board

576 of Governors to attain the 7 percent balance of state operating  
577 funds within the next fiscal year.

578 (2) Each university that retains a state operating fund  
579 carry forward balance in excess of the 7 percent minimum shall  
580 submit a spending plan for its excess carry forward balance.  
581 The spending plan shall be submitted to the university's board  
582 of trustees for review, approval, or, if necessary, amendment by  
583 September 1, 2019, and each September 1 thereafter. The Board of  
584 Governors shall review, approve, and amend, as necessary, each  
585 university's carry forward spending plan by October 1, 2019, and  
586 each October 1 thereafter.

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

591 (a) Commitment of funds to a public education capital  
592 outlay project for which an appropriation has previously been  
593 provided that requires additional funds for completion and which  
594 is included in the list required by s. 1001.706(12) (d);

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

598 (c) Completion of a remodeling or infrastructure project,  
599 including a project for a development research school, up to \$10  
600 million per project, if such project is survey recommended



601 pursuant to s. 1013.31;

602 (d) Completion of a repair or replacement project  
603 necessary due to damage caused by a natural disaster for  
604 buildings included in the inventory required pursuant to s.  
605 1013.31;

606 (e) Operating expenditures that support the university  
607 mission and that are nonrecurring; and

608 (f) Any purpose specified in the General Appropriations  
609 Act.

610 (4) Annually, by August 15, the Chief Financial Officer of  
611 each university shall certify the unexpended amount of funds  
612 appropriated to the university from the General Revenue Fund,  
613 the Educational Enhancement Trust Fund, and the  
614 Education/General Student and Other Fees Trust Fund as of June  
615 30 of the previous fiscal year.

616 Section 12. Paragraph (e) of subsection (3) of section  
617 1011.84, Florida Statutes, is amended to read:

618 1011.84 Procedure for determining state financial support  
619 and annual apportionment of state funds to each Florida College  
620 System institution district.—The procedure for determining state  
621 financial support and the annual apportionment to each Florida  
622 College System institution district authorized to operate a  
623 Florida College System institution under the provisions of s.  
624 1001.61 shall be as follows:

625 (3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.—

626 (e) If at any time the unencumbered balance in the general  
627 fund of the Florida College System institution board of trustees  
628 approved operating budget goes below 7 5 percent, the president  
629 shall provide written notification to the State Board of  
630 Education. Annually, by August 15, the Chief Financial Officer  
631 of each Florida College System institution shall certify the  
632 unexpended amount of state funds remaining in the general fund  
633 of an institution as of June 30 of the previous fiscal year.

634 Section 13. Subsection (2) of section 1013.03, Florida  
635 Statutes, is amended to read:

636 1013.03 Functions of the department and the Board of  
637 Governors.—The functions of the Department of Education as it  
638 pertains to educational facilities of school districts and  
639 Florida College System institutions and of the Board of  
640 Governors as it pertains to educational facilities of state  
641 universities shall include, but not be limited to, the  
642 following:

643 (2) Establish, for the purpose of determining need,  
644 equitably uniform utilization standards for all types of like  
645 space, regardless of the level of education. Standards for post-  
646 secondary classroom and teaching laboratory space shall be as  
647 specified in s. 1013.31(1)(c)5 ~~These standards shall also~~  
648 ~~establish, for postsecondary education classrooms, a minimum~~  
649 ~~room utilization rate of 40 hours per week and a minimum station~~  
650 ~~utilization rate of 60 percent. These rates shall be subject to~~

651 ~~increase based on national norms for utilization of~~  
652 ~~postsecondary education classrooms.~~

653 Section 14. Paragraph (c) of subsection (1) of section  
654 1013.31, Florida Statutes, is amended to read:

655 1013.31 Educational plant survey; localized need  
656 assessment; PECO project funding.—

657 (1) At least every 5 years, each board shall arrange for  
658 an educational plant survey, to aid in formulating plans for  
659 housing the educational program and student population, faculty,  
660 administrators, staff, and auxiliary and ancillary services of  
661 the district or campus, including consideration of the local  
662 comprehensive plan. The Department of Education shall document  
663 the need for additional career and adult education programs and  
664 the continuation of existing programs before facility  
665 construction or renovation related to career or adult education  
666 may be included in the educational plant survey of a school  
667 district or Florida College System institution that delivers  
668 career or adult education programs. Information used by the  
669 Department of Education to establish facility needs must  
670 include, but need not be limited to, labor market data, needs  
671 analysis, and information submitted by the school district or  
672 Florida College System institution.

673 (c) Required need assessment criteria for district,  
674 Florida College System institution, state university, and  
675 Florida School for the Deaf and the Blind plant surveys.—

676 Educational plant surveys must use uniform data sources and  
677 criteria specified in this paragraph. Each revised educational  
678 plant survey and each new educational plant survey supersedes  
679 previous surveys.

680 1. The school district's survey must be submitted as a  
681 part of the district educational facilities plan defined in s.  
682 1013.35. To ensure that the data reported to the Department of  
683 Education as required by this section is correct, the department  
684 shall annually conduct an onsite review of 5 percent of the  
685 facilities reported for each school district completing a new  
686 survey that year. If the department's review finds the data  
687 reported by a district is less than 95 percent accurate, within  
688 1 year from the time of notification by the department the  
689 district must submit revised reports correcting its data. If a  
690 district fails to correct its reports, the commissioner may  
691 direct that future fixed capital outlay funds be withheld until  
692 such time as the district has corrected its reports so that they  
693 are not less than 95 percent accurate.

694 2. Each survey of a special facility, joint-use facility,  
695 or cooperative career education facility must be based on  
696 capital outlay full-time equivalent student enrollment data  
697 prepared by the department for school districts and Florida  
698 College System institutions and by the Chancellor of the State  
699 University System for universities. A survey of space needs of a  
700 joint-use facility shall be based upon the respective space

701 needs of the school districts, Florida College System  
702 institutions, and universities, as appropriate. Projections of a  
703 school district's facility space needs may not exceed the norm  
704 space and occupant design criteria established by the State  
705 Requirements for Educational Facilities.

706 3. Each Florida College System institution's survey must  
707 reflect the capacity of existing facilities as specified in the  
708 inventory maintained by the Department of Education. Projections  
709 of facility space needs must comply with standards for  
710 determining space needs as specified by rule of the State Board  
711 of Education. The 5-year projection of capital outlay student  
712 enrollment must be consistent with the annual report of capital  
713 outlay full-time student enrollment prepared by the Department  
714 of Education.

715 4. Each state university's survey must reflect the  
716 capacity of existing facilities as specified in the inventory  
717 maintained and validated by the Chancellor of the State  
718 University System. Projections of facility space needs must be  
719 consistent with standards for determining space needs as  
720 specified by regulation of the Board of Governors. The projected  
721 capital outlay full-time equivalent student enrollment must be  
722 consistent with the 5-year planned enrollment cycle for the  
723 State University System approved by the Board of Governors.

724 5. Each state university's and Florida College System  
725 institution's survey must incorporate the following space

726 utilization metrics when calculating space need:

727 a. For postsecondary education classroom space, a minimum  
728 room utilization rate of 60 hours per week and a minimum station  
729 utilization rate of 80 percent.

730 b. For postsecondary education nonvocational, teaching  
731 laboratory space a minimum room utilization rate of 40 hours per  
732 week and a minimum station utilization rate of 85 percent.

733 6. Each state university and Florida College System  
734 institution shall adjust full-time equivalent enrollment  
735 estimates used for calculating additional space needs by the  
736 full-time equivalent enrollment for online students.

737 7. The Board of Governors for state universities and the  
738 State Board of Education for Florida College System institutions  
739 shall each provide on its website the most recent summary survey  
740 data by state university or Florida College System institution,  
741 as applicable, showing space needs met for each campus by type  
742 of space. The format shall be consistent across all state  
743 universities and all Florida College System institutions and  
744 must reflect the effectiveness of each university and  
745 institution in utilizing its existing space.

746 8.5- The district educational facilities plan of a school  
747 district and the educational plant survey of a Florida College  
748 System institution, state university, or the Florida School for  
749 the Deaf and the Blind may include space needs that deviate from  
750 approved standards for determining space needs if the deviation

751 is justified by the district or institution and approved by the  
 752 department or the Board of Governors, as appropriate, as  
 753 necessary for the delivery of an approved educational program.

754 Section 15. Subsections (2) and (3) of section 1013.60,  
 755 Florida Statutes, are renumbered as subsections (3) and (4),  
 756 respectively, subsection (1) of that section is amended, and a  
 757 new subsection (2) is added to that section, to read:

758 1013.60 Legislative capital outlay budget request.—

759 (1) The Commissioner of Education shall develop a budget  
 760 request allocation plan ~~procedure~~ deemed appropriate in arriving  
 761 at the appropriate amounts ~~required~~ to fund each project  
 762 category ~~projects~~ as reflected in the integrated, comprehensive  
 763 budget request required by this section. The official estimates  
 764 for funds accruing to the Public Education Capital Outlay and  
 765 Debt Service Trust Fund made by the Revenue Estimating  
 766 Conference shall be used in determining the budget request  
 767 pursuant to this section. The commissioner, in consultation with  
 768 the appropriations committees of the Legislature, shall provide  
 769 annually an estimate of funds that shall be utilized by Florida  
 770 College System institutions and universities in developing their  
 771 required 3-year prioritized ~~priority~~ lists pursuant to s.

772 1013.64.

773 (2) The commissioner shall include with the submission of  
 774 each updated budget request allocation plan an assessment over  
 775 the 3 years of the plan of the amount of state funding needed to

776 complete previously funded projects compared to the amount of  
777 funds provided in the Public Education Capital Outlay and Debt  
778 Service Trust Fund for each category from which projects were  
779 funded in a prior year and which require additional state funds  
780 for completion.

781 Section 16. Paragraph (a) of subsection (4) of section  
782 1013.64, Florida Statutes, is amended, and paragraphs (i) and  
783 (j) are added to subsection (1) of that section, to read:

784 1013.64 Funds for comprehensive educational plant needs;  
785 construction cost maximums for school district capital  
786 projects.—Allocations from the Public Education Capital Outlay  
787 and Debt Service Trust Fund to the various boards for capital  
788 outlay projects shall be determined as follows:

789 (1)

790 (i) The Board of Governors shall specify by regulation the  
791 procedures for the reporting of funds appropriated or expended  
792 pursuant to this section or s. 1011.45. Each university shall  
793 report the amounts expended by the university from all sources,  
794 including, but not limited to, the Public Education Capital  
795 Outlay and Debt Service Trust Fund and carry forward funds.

796 (j) The State Board of Education shall specify by rule the  
797 procedures for the reporting of funds appropriated or expended  
798 pursuant to this section or s. 1013.841. Each Florida College  
799 System institution shall report the amounts expended by the  
800 institution from all sources, including, but not limited to, the



801 Public Education Capital Outlay and Debt Service Trust Fund and  
802 carry forward funds.

803 (4) (a) Florida College System institution boards of  
804 trustees and university boards of trustees shall receive funds  
805 for projects based on a 3-year prioritized ~~priority~~ list, to be  
806 updated annually, which is submitted to the Legislature in the  
807 legislative budget request at least 90 days prior to the  
808 legislative session. The State Board of Education shall submit a  
809 3-year prioritized ~~priority~~ list for Florida College System  
810 institutions, and the Board of Governors shall submit a 3-year  
811 prioritized ~~priority~~ list for universities to the Legislature  
812 not later than 60 days before each regular legislative session  
813 which shall be updated upon request after subsequent estimating  
814 conferences. The sum of each year's project lists may not exceed  
815 the total amount to be distributed for construction and  
816 renovation provided for each year pursuant to the 3-year budget  
817 request allocation plan developed by the Commissioner of  
818 Education pursuant to s. 1013.60. The lists shall reflect  
819 decisions by the State Board of Education pursuant to s. 1001.03  
820 for Florida College System institutions and the Board of  
821 Governors pursuant to s. 1001.706 for state universities  
822 concerning program priorities that implement the statewide plan  
823 for program growth and quality improvement in education. ~~No~~  
824 ~~remodeling or renovation project shall be included on the 3-year~~  
825 ~~priority list unless the project has been recommended pursuant~~

826 ~~to s. 1013.31 or is for the purpose of correcting health and~~  
827 ~~safety deficiencies. No new construction project shall be~~  
828 ~~included on the first year of the 3-year priority list unless~~  
829 ~~the educational specifications have been approved by the~~  
830 ~~commissioner for a Florida College System institution project or~~  
831 ~~by the Board of Governors for a university project, as~~  
832 ~~applicable. The funds requested for a new construction project~~  
833 ~~in the first year of the 3-year priority list shall be in~~  
834 ~~conformance with the scope of the project as defined in the~~  
835 ~~educational specifications. Any new construction project~~  
836 ~~requested in the first year of the 3-year priority list which is~~  
837 ~~not funded by the Legislature shall be carried forward to be~~  
838 ~~listed first in developing the updated 3-year priority list for~~  
839 ~~the subsequent year's capital outlay budget. Should the order of~~  
840 ~~the priority of the projects change from year to year, a~~  
841 ~~justification for such change shall be included with the updated~~  
842 ~~priority list.~~

843 Section 17. Section 1013.841, Florida Statutes, is created  
844 to read:

845 1013.841 End of Year Balance of Funds.—

846 (1) Unexpended amounts in any fund in any Florida College  
847 System institution current year state operating budget shall be  
848 carried forward and included as the balance forward for that  
849 fund in the approved operating budget for the following year.

850 (2) Each Florida College System institution shall maintain

851 a minimum carry forward balance of at least 7 percent of its  
852 state operating budget. If a Florida College System institution  
853 fails to maintain a 7 percent balance in state operating funds,  
854 the institution shall submit a plan to the State Board of  
855 Education to attain the 7 percent balance within the next fiscal  
856 year.

857 (3) Each Florida College System institution shall report  
858 the fund balance in its Unexpended Plant Fund (Fund #7) as of  
859 June 30, 2019, and every June 30 thereafter. Each Florida  
860 College System institution that retains a state operating fund  
861 carry forward balance in excess of the 7 percent minimum shall  
862 submit a spending plan for its excess carry forward balance.  
863 The spending plan shall include all excess carry forward funds  
864 from state operating funds and all of the fund balance in  
865 Unexpended Plant Fund. The spending plan shall be submitted to  
866 the Florida College System institution's board of trustees for  
867 review, approval, or, if necessary, amendment by September 1,  
868 2019, and each September 1 thereafter. The State Board of  
869 Education shall review, approve, and amend, as necessary, each  
870 Florida College System institution's carry forward spending plan  
871 by October 1, 2019, and each October 1 thereafter.

872 (4) A Florida College System institution carry forward  
873 spending plan shall include the estimated cost per planned  
874 expenditure and a timeline for completion of the expenditure.  
875 Authorized expenditures in a carry forward spending plan may

876 only include:

877 (a) Commitment of funds to a public education capital  
878 outlay project for which an appropriation has previously been  
879 provided that requires additional funds for completion and which  
880 is included in the list required by s. 1001.03(18) (d);

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

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

887 (d) Completion of a repair or replacement project  
888 necessary due to damage caused by a natural disaster for  
889 buildings included in the inventory required pursuant to s.  
890 1013.31;

891 (e) Operating expenditures that support the Florida  
892 College System institution's mission that are nonrecurring; and

893 (f) Any purpose specified in the General Appropriations  
894 Act.

895 Section 18. By December 30, 2019, all survey recommended  
896 projects for each state university and Florida College System  
897 institution shall be reviewed and revised to incorporate the  
898 updated space need calculation requirements as specified in s.  
899 1013.31(1) (c), Florida Statutes. Projects for institutions that  
900 have not revised their existing space needs requests pursuant to

HB 5501

2019

901 | this section shall be considered not survey recommended.  
902 |       Section 19. This act shall take effect upon becoming a  
903 | law.