

1 A bill to be entitled
2 An act relating to higher education; amending s.
3 1001.706, F.S.; revising requirements for certain
4 funds held in an escrow account relating to certain
5 capital outlay projects; creating s. 1004.342, F.S.;
6 providing definitions; transferring specified assets
7 and liabilities from the University of South Florida
8 Sarasota/Manatee to New College of Florida by
9 specified dates; requiring New College of Florida to
10 provide a specified monthly payment to the University
11 of South Florida until such transfer is complete;
12 requiring such transfer to be in a written joint
13 transfer agreement; providing requirements for such
14 agreement and the transfer of such assets and
15 liabilities; requiring a facility use agreement
16 between the University of South Florida
17 Sarasota/Manatee and New College of Florida; providing
18 requirements for such agreement; providing
19 construction; providing applicability; providing
20 specified immunity from liability; providing for
21 future repeal; amending s. 1004.344, F.S.; removing
22 the requirement for the Florida Center for the
23 Partnerships for Arts Integrated Teaching to be
24 physically housed at the University of South Florida
25 Sarasota/Manatee; amending s. 1009.24, F.S.; revising

26 | programs for which the Board of Governors may
 27 | establish tuition; authorizing state university boards
 28 | of trustees to establish out-of-state fees for
 29 | nonresident students; removing a provision requiring
 30 | that adjustments to certain out-of-state fees not
 31 | exceed a certain amount; removing a provision
 32 | requiring certain actions to be taken by a state
 33 | university in accordance with Board of Governors
 34 | regulations; removing a requirement for a block
 35 | tuition policy for nonresident undergraduate students;
 36 | repealing sections 5, 7, and 9 of chapter 2025-199,
 37 | Laws of Florida, relating to the future repeal of
 38 | amendments to ss. 1011.45, 1009.26, and 1004.89, F.S.;
 39 | amending s. 1011.45, F.S.; removing an obsolete date;
 40 | amending s. 1011.90, F.S.; authorizing state funds to
 41 | be used to support specified requirements in state and
 42 | federal law; amending s. 1013.01, F.S.; revising the
 43 | definition of the term "educational facilities";
 44 | providing an effective date.

45 |
 46 | Be It Enacted by the Legislature of the State of Florida:

47 |
 48 | **Section 1. Paragraph (c) of subsection (12) of section**
 49 | **1001.706, Florida Statutes, is amended to read:**

50 | 1001.706 Powers and duties of the Board of Governors.—

51 (12) PUBLIC EDUCATION CAPITAL OUTLAY.—The Board of
52 Governors shall submit the prioritized list as required by s.
53 1013.64(4). Projects considered for prioritization shall be
54 chosen from a preliminary selection group which shall include
55 the list of projects maintained pursuant to paragraph (d) and
56 the top two priorities of each state university.

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

61 1. A plan is provided to reserve funds in an escrow
62 account, ~~specific to the project,~~ into which shall be deposited
63 each year an amount of funds equal to 1 percent of the total
64 value of the building for future maintenance;

65 2. There exists sufficient capacity within the cash and
66 bonding estimate of funds by the Revenue Estimating Conference
67 to accommodate the project within the 3-year Public Education
68 Capital Outlay funding cycle; and

69 3. The project has been recommended pursuant to s.
70 1013.31.

71 **Section 2. Section 1004.342, Florida Statutes, is created**
72 **to read:**

73 1004.342 Efficient use of state university system assets
74 in Manatee and Sarasota Counties.—

75 (1) DEFINITIONS.—As used in this section and in its

76 applicability in contracts, leases, and other written
 77 instruments involved in implementing this section:

78 (a) The following terms have the same meaning and should
 79 be interpreted and used interchangeably:

80 1. "University of South Florida Sarasota/Manatee."

81 2. "University of South Florida Sarasota-Manatee."

82 3. "USF Sarasota/Manatee."

83 4. "USF Sarasota-Manatee."

84 (b) The term "New College" means New College of Florida.

85 (c) The term "USF" means the University of South Florida.

86 (2) TRANSFER OF ASSETS AND LIABILITIES BETWEEN STATE
 87 UNIVERSITY INSTITUTIONS AND CAMPUSES.—

88 (a) The board of trustees of New College of Florida shall,
 89 as soon as reasonably practical, but no later than October 30,
 90 2026, complete all steps necessary or appropriate to assume,
 91 legally and financially, the full liability for any outstanding
 92 debt for any facilities constructed upon the properties that
 93 encompass the University of South Florida Sarasota/Manatee
 94 campus, including, but not limited to, any fees and costs
 95 associated with transferring, satisfying, retiring, defeasing,
 96 or repaying such debt obligations. The facilities contemplated
 97 in this paragraph include, but are not limited to, any
 98 dormitories or other campus facilities that were financed in
 99 whole or in part with debt payable by the board of trustees of
 100 the University of South Florida or the University of South

101 Florida Financing Corporation and for which a balance of that
102 debt remains outstanding on July 1, 2026.

103 (b) Until such time as New College of Florida completes
104 the obligations listed in paragraph (a), New College of Florida
105 shall transfer to the University of South Florida monthly a
106 payment equal to the outstanding debt service on the facilities
107 contemplated in this section, which shall be \$166,617 per month.
108 All payments described in this section shall be paid from
109 sources available to New College of Florida and may not be paid
110 or funded from the University of South Florida or the University
111 of South Florida Sarasota/Manatee sources. The failure of New
112 College of Florida to transfer the amounts described in this
113 section shall invalidate the transfer of facilities, and such
114 facilities shall revert to the University of South Florida.

115 (c) Subject to the requirements of paragraphs (b) and (d),
116 all real property encompassing the University of South Florida
117 Sarasota/Manatee campus, and any existing contracts, leases,
118 obligations, responsibilities, and liabilities of the board of
119 trustees of the University of South Florida which are
120 principally associated with such real property or any facilities
121 constructed upon those parcels, must be transferred to the board
122 of trustees of New College of Florida by July 1, 2026. New
123 College of Florida shall be solely responsible for all costs of
124 operating, repairing, replacing, renovating, and maintaining the
125 facilities contemplated in this section as of the date of

126 transfer.

127 (d)1. The determination of the specific assets and
128 liabilities to be transferred under this section must be made in
129 a written joint transfer agreement, including the facility use
130 agreement required by subsection (3), between the board of
131 trustees of the University of South Florida and the board of
132 trustees of New College of Florida by July 1, 2026. The boards
133 of trustees must jointly submit the signed agreements to the
134 Board of Governors. When determining the specific assets and
135 liabilities to be transferred between institutions, the board of
136 trustees of each institution must adhere to the following
137 guiding principles:

138 a. Any academic, administrative, or residential buildings
139 and other assets that are reasonably considered permanent and
140 immovable from the existing University of South Florida
141 Sarasota/Manatee campus parcels, including general educational
142 and classroom furnishings and fixtures located therein, shall be
143 transferred to the board of trustees of New College of Florida
144 for the future use of New College of Florida students and
145 faculty.

146 b. Any intellectual property, intangible property,
147 educational and research equipment that is not permanently
148 affixed to the facilities, computers and other equipment
149 previously assigned to personnel remaining in employment with
150 the University of South Florida, records, and any institutional

151 insignia or items that have historical significance to the
152 University of South Florida which are not specifically
153 associated with the parcels of land or facilities that will be
154 transferred shall remain the property of the board of trustees
155 of the University of South Florida.

156 c. Contracts for the lease of a temporary residence on the
157 University of South Florida Sarasota/Manatee campus between the
158 University of South Florida and a student, or an individual
159 acting on the student's behalf, which are in place before the
160 transfer of ownership of a residential facility on that campus
161 must be:

162 I. Transferred from the University of South Florida to New
163 College of Florida.

164 II. Fully honored in terms, duration, and price by the
165 board of trustees of New College of Florida until at least
166 August 15, 2027, unless the student or lessee voluntarily opts
167 to vacate the residential contact before its expiration date, in
168 which case New College of Florida must allow the lessee to go
169 free of any cancellation fee or remaining rental charge.

170 2. In the event of a dispute on the transfer of any
171 specific assets and liabilities required by this section before
172 July 1, 2026, the boards must jointly notify the Board of
173 Governors of the remaining points of disagreement. The Board of
174 Governors, by majority vote, must resolve any remaining disputed
175 issues and terms and order the specific transfers no later than

176 September 30, 2026. When determining and ordering any disputed
177 transfers, the Board of Governors must adhere to the guiding
178 principles in subparagraph 1.

179 (3) FACILITY USE AGREEMENT.—

180 (a) A University of South Florida student who was admitted
181 to the university before July 1, 2026, and who remains
182 continuously enrolled must receive the highest priority for the
183 use of space for classroom instruction and associated
184 educational needs in any transferred property or facility until
185 the student has been provided the opportunity to graduate from
186 the University of South Florida within a reasonable period of
187 time, not to exceed 4 full academic years after the date of the
188 student's initial enrollment, as determined by the board of
189 trustees of the University of South Florida.

190 (b) The board of trustees of New College of Florida must
191 enter into a facility use agreement with the board of trustees
192 of the University of South Florida which makes available, free
193 of any charge to the University of South Florida, sufficient
194 academic and student support space in the transferred properties
195 or facilities so that a University of South Florida student who
196 was admitted to the university before July 1, 2026, has the
197 reasonable opportunity to complete his or her University of
198 South Florida degree programs on his or her local campus and to
199 ensure that New College of Florida students, faculty, and staff
200 have access to the educational and administrative space, when

201 feasible, during and throughout the University of South Florida
 202 teach-out process.

203 (c) The University of South Florida may not allow a newly
 204 enrolled student whose initial offer of admission to the
 205 university came after July 1, 2026, to designate the University
 206 of South Florida Sarasota/Manatee campus as the student's home
 207 campus of the University of South Florida.

208 (d) This subsection does not prohibit the University of
 209 South Florida and New College of Florida from jointly entering
 210 into any other mutual agreement to share or use space in any of
 211 the transferred properties or facilities when it is in the best
 212 interest of both institutions or the students thereof.

213 (4) IMMUNITY FROM LIABILITY.—The board of trustees of the
 214 University of South Florida and the board of trustees of New
 215 College of Florida, and their respective officers, trustees,
 216 employees, attorneys, and agents, are immune from any and all
 217 civil liability pertaining to or arising from compliance with
 218 this section, including the transfers required by, or those made
 219 as a direct result of, this section.

220 (5) REPEAL.—This section is repealed July 1, 2028, but
 221 after that date the asset transfers required by this section
 222 shall not be impacted solely by the repeal of this section.

223 **Section 3. Subsection (1) of section 1004.344, Florida**
 224 **Statutes, is amended to read:**

225 1004.344 The Florida Center for the Partnerships for Arts

226 Integrated Teaching.—

227 (1) The Florida Center for the Partnerships for Arts
228 Integrated Teaching is created within the University of South
229 Florida ~~and shall be physically headquartered at the University~~
230 ~~of South Florida Sarasota/Manatee.~~

231 **Section 4. Subsections (4) and (5), paragraph (c) of**
232 **subsection (8), and paragraph (a) of subsection (15) of section**
233 **1009.24, Florida Statutes, are amended to read:**

234 1009.24 State university student fees.—

235 (4) (a) Effective July 1, 2014, the resident undergraduate
236 tuition for lower-level and upper-level coursework shall be
237 \$105.07 per credit hour.

238 (b) The Board of Governors may establish tuition for
239 graduate and professional programs.

240 (c) Each university board of trustees may establish and
241 out-of-state fees for nonresident students ~~all programs~~. Except
242 as otherwise provided in this section, the sum of tuition and
243 out-of-state fees assessed to nonresident students must be
244 sufficient to offset the full instructional cost of serving such
245 students.

246 (d) However, Adjustments to ~~out-of-state fees or~~ tuition
247 for graduate programs and professional programs may not exceed
248 15 percent in any year.

249 (e) (e) The Board of Governors may consider and approve
250 flexible tuition policies as requested by a university board of

251 trustees in accordance with subsection (15) only to the extent
252 such policies are in alignment with the mission of the
253 university and do not increase the state's fiscal liability or
254 obligations, including, but not limited to, any fiscal liability
255 or obligation for programs authorized under ss. 1009.53-1009.538
256 and ss. 1009.97-1009.984.

257 (f)~~(d)~~ The sum of the activity and service, health, and
258 athletic fees a student is required to pay to register for a
259 course may not exceed 40 percent of the tuition established in
260 law or in the General Appropriations Act. No university shall be
261 required to lower any fee in effect on the effective date of
262 this act in order to comply with this subsection. Within the 40
263 percent cap, universities may not increase the aggregate sum of
264 activity and service, health, and athletic fees more than 5
265 percent per year unless specifically authorized in law or in the
266 General Appropriations Act. A university may increase its
267 athletic fee to defray the costs associated with changing
268 National Collegiate Athletic Association divisions. Any such
269 increase in the athletic fee may exceed both the 40 percent cap
270 and the 5 percent cap imposed by this subsection. Any such
271 increase must be approved by the athletic fee committee in the
272 process outlined in subsection (12) and may not exceed \$2 per
273 credit hour. Notwithstanding ss. 1009.534, 1009.535, and
274 1009.536, that portion of any increase in an athletic fee
275 pursuant to this subsection which causes the sum of the activity

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276 and service, health, and athletic fees to exceed the 40 percent
277 cap or the annual increase in such fees to exceed the 5 percent
278 cap may not be included in calculating the amount a student
279 receives for a Florida Academic Scholars award, a Florida
280 Medallion Scholars award, or a Florida Gold Seal Vocational
281 Scholars award. Notwithstanding this paragraph and subject to
282 approval by the board of trustees, each state university may
283 exceed the 5-percent cap on the annual increase to the aggregate
284 sum of activity and service, health, and athletic fees for the
285 2010-2011 fiscal year. Any such increase may not exceed 15
286 percent or the amount required to reach the 2009-2010 fiscal
287 year statewide average for the aggregate sum of activity and
288 service, health, and athletic fees at the main campuses,
289 whichever is greater. The aggregate sum of the activity and
290 service, health, and athletic fees may not exceed 40 percent of
291 tuition. Any increase in the activity and service fee, health
292 fee, or athletic fee must be approved by the appropriate fee
293 committee pursuant to subsection (10), subsection (11), or
294 subsection (12).

295 (g)~~(e)~~ This subsection does not prohibit a university from
296 increasing or assessing optional fees related to specific
297 activities if payment of such fees is not required as a part of
298 registration for courses.

299 (5) A university may implement a differential out-of-state
300 fee ~~in accordance with regulations developed by the Board of~~

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301 ~~Governors~~ for the following:

302 (a) A student from another state that borders the service
303 area of the university.

304 (b) A graduate student who has been determined to be a
305 nonresident for tuition purposes pursuant to s. 1009.21 and has
306 a .25 full-time equivalent appointment or greater as a graduate
307 assistant, graduate research assistant, graduate teaching
308 assistant, graduate research associate, or graduate teaching
309 associate.

310 (c) A graduate student who has been determined to be a
311 nonresident for tuition purposes pursuant to s. 1009.21 and is
312 receiving a full fellowship.

313 (8)

314 (c) The fee may not exceed 10 percent of the tuition for
315 resident students ~~or 10 percent of the sum of tuition and out-~~
316 ~~of-state fees for nonresident students.~~ The fee for resident
317 students shall be limited to an increase of \$2 per credit hour
318 over the prior year. The Capital Improvement Trust Fund fee may
319 be used to fund any project or real property acquisition that
320 meets the requirements of chapter 1013. The Division of Bond
321 Finance of the State Board of Administration shall analyze any
322 proposed reductions to the Capital Improvement Trust Fund fee to
323 ensure consistency with prudent financial management of the bond
324 program associated with the revenues from the fee. The Board of
325 Governors shall approve any proposed fee reductions provided

326 that no such reduction reduces the fee below the level
327 established in paragraph (a).

328 (15) (a) The Board of Governors may approve:

329 1. A proposal from a university board of trustees to
330 establish a new student fee that is not specifically authorized
331 by this section.

332 2. A proposal from a university board of trustees to
333 increase the current cap for an existing fee authorized pursuant
334 to paragraphs (14) (a)-(g).

335 3. A proposal from a university board of trustees to
336 implement flexible tuition policies, such as undergraduate or
337 graduate block tuition, block tuition differential, or market
338 tuition rates for graduate-level online courses or graduate-
339 level courses offered through a university's continuing
340 education program. A block tuition policy for resident
341 undergraduate students or undergraduate-level courses shall be
342 based on the per-credit-hour undergraduate tuition established
343 under subsection (4). ~~A block tuition policy for nonresident~~
344 ~~undergraduate students shall be based on the per-credit-hour~~
345 ~~undergraduate tuition and out-of-state fee established under~~
346 ~~subsection (4).~~ Flexible tuition policies, including block
347 tuition, may not increase the state's fiscal liability or
348 obligation.

349 **Section 5.** Sections 5, 7, and 9 of chapter 2025-199, Laws
350 of Florida, are repealed.

351 **Section 6. Subsection (3) of section 1011.45, Florida**
352 **Statutes, is amended to read:**

353 1011.45 End of year balance of funds.—Unexpended amounts
354 in any fund in a university current year operating budget shall
355 be carried forward and included as the balance forward for that
356 fund in the approved operating budget for the following year.

357 (3) A university's carry forward spending plan must
358 include the estimated cost per planned expenditure and a
359 timeline for completion of the expenditure. A carry forward
360 spending plan may include retention of the carry forward balance
361 as a reserve fund to be used for authorized expenses in
362 subsequent years. For any annual reserve balance in excess of
363 the 7 percent minimum carry forward balance pursuant to
364 subsection (1), the authorized expenditures in a carry forward
365 spending plan must include a commitment of 12 percent of the
366 university's prior ~~2025-2026~~ fiscal year state operating fund
367 carry forward balance to fund a public education capital outlay
368 project for which an appropriation has previously been provided
369 which requires additional funds for completion and which is
370 included in the list required by s. 1001.706(12)(d) or for
371 deferred building maintenance expenses. The carry forward
372 spending plan must identify the specific public education
373 capital outlay project and the amount the university will
374 contribute toward the fixed capital outlay project pursuant to
375 s. 1001.706(12)(d) or specific deferred maintenance project.

376 Authorized expenditures in a carry forward spending plan may
 377 include:

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

382 (b) Completion of a renovation, repair, or maintenance
 383 project that is consistent with s. 1013.64(1) or replacement of
 384 a minor facility;

385 (c) Completion of a remodeling or infrastructure project,
 386 including a project for a developmental research school, if such
 387 project is survey recommended pursuant to s. 1013.31;

388 (d) Completion of a repair or replacement project
 389 necessary due to damage caused by a natural disaster for
 390 buildings included in the inventory required pursuant to s.
 391 1013.31;

392 (e) Operating expenditures that support the university's
 393 mission;

394 (f) Any purpose specified by the board or in the General
 395 Appropriations Act, including the requirements in s.
 396 1001.706(12)(c) or similar requirements pursuant to Board of
 397 Governors regulations;

398 (g) A commitment of funds to a contingency reserve for
 399 expenses incurred as a result of a state of emergency declared
 400 by the Governor pursuant to s. 252.36; and

401 (h) Deferred building maintenance expenses for the
 402 maintenance, repair, and renovation of projects to improve the
 403 health and safety of such facilities.

404 **Section 7. Subsection (8) is added to section 1011.90,**
 405 **Florida Statutes, to read:**

406 1011.90 State university funding.—

407 (8) State funds may be used in support of the requirements
 408 of Title IX of the Education Amendments of 1972 and s. 1006.71,
 409 including fixed capital outlay, scholarships, administration,
 410 recruitment, comparable coaching, and other related costs.

411 **Section 8. Subsection (6) of section 1013.01, Florida**
 412 **Statutes, is amended to read:**

413 1013.01 Definitions.—The following terms shall be defined
 414 as follows for the purpose of this chapter:

415 (6) "Educational facilities" means the buildings and
 416 equipment, structures, and special educational and research use
 417 areas that are built, installed, or established to serve
 418 primarily the educational purposes and secondarily the social
 419 and recreational purposes of the community and which may
 420 lawfully be used as authorized by the Florida Statutes and
 421 approved by boards.

422 **Section 9.** This act shall take effect upon becoming a law.