

By Senator Oelrich

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1 A bill to be entitled  
2 An act relating to postsecondary education; amending  
3 s. 215.211, F.S.; prohibiting the deduction of a  
4 service charge from the proceeds of certain local  
5 option fuel taxes; requiring a percentage of certain  
6 local option fuel tax revenues to be deposited in the  
7 University Concurrency Trust Fund and providing uses  
8 therefor; amending s. 1013.30, F.S.; revising  
9 provisions relating to payment and funding of  
10 developments in accordance with university campus  
11 development agreements; amending s. 1013.63, F.S.;  
12 revising the funding and use of the University  
13 Concurrency Trust Fund; amending ss. 267.062, 1004.23,  
14 1010.04, and 1013.171, F.S.; providing for the  
15 adoption of regulations rather than rules by the Board  
16 of Governors, universities, and university boards of  
17 trustees; repealing s. 1007.27(10), F.S., relating to  
18 the exemption for a student who earns certain credits  
19 through acceleration mechanisms from any requirement  
20 of a public postsecondary educational institution  
21 mandating enrollment during a summer term; providing  
22 an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26 Section 1. Subsection (3) of section 215.211, Florida  
27 Statutes, is amended, and subsection (5) is added to that  
28 section, to read:

29 215.211 Service charge; elimination or reduction for

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30 specified proceeds.—

31 (3) Notwithstanding the provisions of s. 215.20(1), the  
32 service charge provided in s. 215.20(1) may not be deducted from  
33 the proceeds of the local option fuel taxes ~~tax~~ distributed  
34 under s. 336.025(1)(a) and (b).

35 (5) From the revenues derived from s. 336.025(1)(b), an  
36 amount equal to 8 percent of those revenues shall be deposited  
37 in the University Concurrency Trust Fund and used to fund  
38 university offsite improvements required to meet concurrency  
39 standards adopted under s. 1013.30 and for such other purposes  
40 as set forth in s. 1013.63.

41 Section 2. Subsections (13) and (16) of section 1013.30,  
42 Florida Statutes, are amended to read:

43 1013.30 University campus master plans and campus  
44 development agreements.—

45 (13) With regard to the impact of campus development on the  
46 facilities and services listed in paragraph (11)(c), the  
47 following applies:

48 (a) All improvements to facilities or services which are  
49 necessary to eliminate the deficiencies identified in paragraph  
50 (11)(e) must be specifically listed in the campus development  
51 agreement.

52 (b) The university board of trustees' fair share of the  
53 cost of the measures identified in paragraph (a) must be stated  
54 in the campus development agreement. In determining the fair  
55 share, the effect of any demand management techniques, which may  
56 include such techniques as flexible work hours and carpooling,  
57 that are used by the Board of Governors to minimize the offsite  
58 impacts shall be considered.

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(c) The university board of trustees' ~~trustees is~~  
~~responsible for paying the~~ fair share identified in paragraph  
(b) shall be payable exclusively from the University Concurrency  
Trust Fund., ~~and it may do so by:~~

~~1. Paying a fair share of each of the improvements~~  
~~identified in paragraph (a); or~~

~~2. Taking on full responsibility for the improvements,~~  
~~selected from the list of improvements identified in paragraph~~  
~~(a), and agreed to between the host local government and the~~  
~~Board of Governors, the total cost of which equals the~~  
~~contribution identified in paragraph (b).~~

(d) All concurrency management responsibilities of the  
university board of trustees are fulfilled if the university  
board of trustees expends the total amount of funds identified  
in paragraph (b) notwithstanding that the university board of  
trustees may not have undertaken or made contributions to some  
of the measures identified in paragraph (a).

(e) Capital projects included in the campus development  
agreement may be used by the local government for the  
concurrency management purposes.

(f) Funds to be ~~provided by universities~~ in accordance with  
campus development agreements are subject to appropriation by  
the Legislature to the University Concurrency Trust Fund. A  
development authorized by a campus development agreement may  
proceed upon authorization of payment by the Board of Governors  
from the University Concurrency Trust Fund ~~may not be built~~  
~~until the funds to be provided pursuant to paragraph (b) are~~  
~~appropriated by the Legislature.~~

(16) If, within 180 days following the host local

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government's receipt of the proposed campus development agreement, the university board of trustees and host local government cannot reach agreement on the provisions of the campus development agreement, the following procedures for resolving the matter must be followed:

(a) The matter must be submitted to the state land planning agency, which has 60 days to hold informal hearings, if necessary.

(b) In deciding upon a proper resolution, the state land planning agency shall consider the nature of the issues in dispute, the compliance of the parties with this section, the extent of the conflict between the parties, the comparative hardships, and the public interest involved. In resolving the matter, the state land planning agency may prescribe, by order, the contents of the campus development agreement. The order may not require the university to fund improvements from sources other than the University Concurrency Trust Fund.

Section 3. Subsections (1) and (2) of section 1013.63, Florida Statutes, are amended to read:

1013.63 University Concurrency Trust Fund.—

(1) The University Concurrency Trust Fund is created within the Department of Education and shall be funded each fiscal year in an amount equal to 8 percent of the revenues derived from the local option fuel tax distributed under s. 336.025(1)(b).

~~(2) The trust fund may be funded each fiscal year as provided in the General Appropriations Act.~~ Moneys in such trust fund shall be for the purpose of funding university offsite improvements required to meet concurrency standards adopted under s. 1013.30 ~~part II of chapter 163~~. In addition, in any

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117 year in which campus master plans are updated pursuant to s.  
118 1013.30, but no more frequently than once every 5 years, up to  
119 25 percent of the balance in the trust fund for that year may be  
120 used to defray the costs incurred in updating those campus  
121 master plans.

122 Section 4. Subsection (3) of section 267.062, Florida  
123 Statutes, is amended to read:

124 267.062 Naming of state buildings and other facilities.—

125 (3) Notwithstanding the provisions of subsection (1) or s.  
126 1013.79(11), any state building, road, bridge, park,  
127 recreational complex, or other similar facility of a state  
128 university may be named for a living person by the university  
129 board of trustees in accordance with regulations ~~rules~~ adopted  
130 by the Board of Governors of the State University System.

131 Section 5. Subsection (6) of section 1004.23, Florida  
132 Statutes, is amended to read:

133 1004.23 Universities; powers; patents, copyrights, and  
134 trademarks.—Any other law to the contrary notwithstanding, each  
135 state university is authorized, in its own name, to:

136 (6) Do all other acts necessary and proper for the  
137 execution of powers and duties herein conferred upon the  
138 university, including adopting regulations ~~rules~~, as necessary,  
139 in order to administer this section. Any proceeds therefrom  
140 shall be deposited and expended in accordance with s. 1004.22.  
141 Any action taken by the university in securing or exploiting  
142 such trademarks, copyrights, or patents shall, within 30 days,  
143 be reported in writing by the president to the Department of  
144 State.

145 Section 6. Subsection (2) of section 1010.04, Florida

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146 Statutes, is amended to read:

147 1010.04 Purchasing.—

148 (2) Each district school board and, community college board  
149 of trustees, ~~and each university board of trustees~~ shall adopt  
150 rules and each university board of trustees shall adopt  
151 regulations to be followed in making purchases.

152 Section 7. Subsection (4) of section 1013.171, Florida  
153 Statutes, is amended to read:

154 1013.171 University lease agreements; land, facilities.—

155 (4) Agreements as provided in this section shall be entered  
156 into with an offeror resulting from publicly announced  
157 competitive bids or proposals, except that the university may  
158 enter into an agreement with an entity enumerated in paragraph  
159 (3)(a) for leasing land or with a direct-support organization as  
160 provided in s. 1004.28, which shall enter into subsequent  
161 agreements for financing and constructing the project after  
162 receiving competitive bids or proposals. Any facility  
163 constructed, lease-purchased, or purchased under such  
164 agreements, whether erected on land under the jurisdiction of  
165 the university or not, shall conform to the construction  
166 standards and codes applicable to university facilities. Each  
167 university board of trustees shall adopt such regulations ~~rules~~  
168 as are necessary to carry out its duties and responsibilities  
169 imposed by this section.

170 Section 8. Subsection (10) of section 1007.27, Florida  
171 Statutes, is repealed.

172 Section 9. This act shall take effect July 1, 2011.