

By the Committee on Higher Education; and Senator Oelrich

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1 A bill to be entitled
2 An act relating to postsecondary education; amending
3 s. 705.18, F.S.; revising provisions relating to the
4 disposal of personal property lost or abandoned on a
5 university or Florida College System institution
6 campus and the disposition of proceeds from the sale
7 of such property; requiring that the university or
8 Florida College System institution president, or his
9 or her designee, dispose of or make use of unclaimed
10 property in accordance with university or Florida
11 College System institution policies and procedures;
12 amending ss. 267.062, 1004.23, 1010.03, 1010.04,
13 1010.07, 1011.48, 1012.91, and 1013.171, F.S.;
14 revising provisions to replace references to "rules"
15 with "regulations"; repealing s. 1007.27(10), F.S.,
16 relating to an exemption for students who earn 9 or
17 more credits from one or more of the articulated
18 acceleration mechanisms from any requirement of a
19 public postsecondary educational institution which
20 mandates enrollment during a summer term; amending s.
21 1013.30, F.S.; requiring that a university campus
22 master plan identify the level-of-service standards
23 contained in the plan; deleting requirements for
24 campus development agreements between each university
25 board of trustees and the local government;
26 prohibiting renewal of a campus development agreement
27 upon its expiration; amending s. 1013.33, F.S.;
28 conforming a cross-reference; repealing s. 1013.63,
29 F.S., relating to the University Concurrency Trust

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Fund; providing an effective date.

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

Section 1. Section 705.18, Florida Statutes, is amended to read:

705.18 Disposal of personal property lost or abandoned on university or Florida College System institution ~~community college~~ campuses; disposition of proceeds from sale.—

~~(1)~~ Whenever any lost or abandoned personal property is ~~shall be~~ found on a campus of an institution in the State University System or a campus of a Florida College System institution ~~state-supported community college~~, the president of the institution or the president's designee shall take charge of the property and make a record of the date such property was found. If the property is not claimed by the owner, within 30 days after it ~~such property~~ is found, or a longer period of time as may be deemed appropriate by the president ~~under the circumstances, the property is not claimed by the owner~~, the president or his or her designee shall dispose of or make use of the property in accordance with established policies and procedures that best meet the needs of the university or the Florida College System institution and its students ~~shall order it sold at public outcry after giving notice of the time and place of sale in a publication of general circulation on the campus of such institution and written notice to the owner if known~~. The rightful owner of the ~~such~~ property may reclaim the property ~~the same~~ at any time prior to the disposition, sale, or use of the property in accordance with this section and the

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59 established policies and procedures of the university or the
60 Florida College System institution.

61 ~~(2) All moneys realized from such institution's sale shall~~
62 ~~be placed in an appropriate fund and used solely for student~~
63 ~~scholarship and loan purposes.~~

64 Section 2. Subsection (3) of section 267.062, Florida
65 Statutes, is amended to read:

66 267.062 Naming of state buildings and other facilities.—

67 (3) Notwithstanding the provisions of subsection (1) or s.
68 1013.79(11), any state building, road, bridge, park,
69 recreational complex, or other similar facility of a state
70 university may be named for a living person by the university
71 board of trustees in accordance with regulations ~~rules~~ adopted
72 by the Board of Governors of the State University System.

73 Section 3. Subsection (6) of section 1004.23, Florida
74 Statutes, is amended to read:

75 1004.23 Universities; powers; patents, copyrights, and
76 trademarks.—Any other law to the contrary notwithstanding, each
77 state university is authorized, in its own name, to:

78 (6) Do all other acts necessary and proper for the
79 execution of powers and duties herein conferred upon the
80 university, including adopting regulations ~~rules~~, as necessary,
81 in order to administer this section. Any proceeds therefrom
82 shall be deposited and expended in accordance with s. 1004.22.
83 Any action taken by the university in securing or exploiting
84 such trademarks, copyrights, or patents shall, within 30 days,
85 be reported in writing by the president to the Department of
86 State.

87 Section 4. Section 1010.03, Florida Statutes, is amended to

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88 read:

89 1010.03 Delinquent accounts.—District school boards,
90 Florida College System institution ~~community college~~ boards of
91 trustees, and university boards of trustees:

92 (1) Shall exert every effort to collect all delinquent
93 accounts.

94 (2) May charge off or settle such accounts as may prove
95 uncollectible.

96 (3) May employ the services of a collection agency when
97 deemed advisable in collecting delinquent accounts.

98 (4) May adopt rules, except that university boards of
99 trustees may adopt regulations, as necessary, to implement the
100 provisions of this section, including setoff procedures, payroll
101 deductions, and restrictions on release of transcripts, awarding
102 of diplomas, and access to other resources and services of the
103 school district, Florida College System institution ~~community~~
104 ~~college~~, or university.

105 Section 5. Subsection (2) of section 1010.04, Florida
106 Statutes, is amended to read:

107 1010.04 Purchasing.—

108 (2) Each district school board and Florida College System
109 institution, ~~community college~~ board of trustees, ~~and each~~
110 ~~university board of trustees~~ shall adopt rules, and each
111 university board of trustees shall adopt regulations, to be
112 followed in making purchases.

113 Section 6. Paragraph (b) of subsection (2) of section
114 1010.07, Florida Statutes, is amended to read:

115 1010.07 Bonds or insurance required.—

116 (2)

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117 (b) Contractors paid from university funds shall give bond
118 for the faithful performance of their contracts in such amount
119 and for such purposes as prescribed by s. 255.05 or by
120 regulations ~~rules~~ of the Board of Governors relating to the type
121 of contract involved. It shall be the duty of the university
122 board of trustees to require from construction contractors a
123 bond adequate to protect the board and the board's funds
124 involved.

125 Section 7. Subsection (4) of section 1011.48, Florida
126 Statutes, is amended to read:

127 1011.48 Establishment of educational research centers for
128 child development.—

129 (4) The Board of Governors may adopt regulations ~~rules~~ for
130 the establishment, operation, and supervision of educational
131 research centers for child development. Such regulations ~~rules~~
132 shall include, but need not be limited to: a defined method of
133 establishment of and participation in the operation of centers
134 by the appropriate student government associations; guidelines
135 for the establishment of an intern program in each center; and
136 guidelines for the receipt and monitoring of funds from grants
137 and other sources of funds consistent with existing laws.

138 Section 8. Subsection (1) of section 1012.91, Florida
139 Statutes, is amended to read:

140 1012.91 Personnel Records.—

141 (1) Each university board of trustees shall adopt
142 regulations ~~rules~~ prescribing the content and custody of
143 limited-access records that the university may maintain on its
144 employees. Such limited-access records are confidential and
145 exempt from the provisions of s. 119.07(1). Such records are

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146 limited to the following:

147 (a) Records containing information reflecting academic
148 evaluations of employee performance shall be open to inspection
149 only by the employee and by officials of the university
150 responsible for supervision of the employee.

151 (b) Records maintained for the purposes of any
152 investigation of employee misconduct, including but not limited
153 to a complaint against an employee and all information obtained
154 pursuant to the investigation of such complaint, shall be
155 confidential until the investigation ceases to be active or
156 until the university provides written notice to the employee who
157 is the subject of the complaint that the university has either:

158 1. Concluded the investigation with a finding not to
159 proceed with disciplinary action;

160 2. Concluded the investigation with a finding to proceed
161 with disciplinary action; or

162 3. Issued a letter of discipline.

163
164 For the purpose of this paragraph, an investigation shall be
165 considered active as long as it is continuing with a reasonable,
166 good faith anticipation that a finding will be made in the
167 foreseeable future. An investigation shall be presumed to be
168 inactive if no finding is made within 90 days after the
169 complaint is filed.

170 (c) Records maintained for the purposes of any disciplinary
171 proceeding brought against an employee shall be confidential
172 until a final decision is made in the proceeding. The record of
173 any disciplinary proceeding, including any evidence presented,
174 shall be open to inspection by the employee at all times.

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175 (d) Records maintained for the purposes of any grievance
176 proceeding brought by an employee for enforcement of a
177 collective bargaining agreement or contract shall be
178 confidential and shall be open to inspection only by the
179 employee and by officials of the university conducting the
180 grievance proceeding until a final decision is made in the
181 proceeding.

182 Section 9. Subsection (4) of section 1013.171, Florida
183 Statutes, is amended to read:

184 1013.171 University lease agreements; land, facilities.—

185 (4) Agreements as provided in this section shall be entered
186 into with an offeror resulting from publicly announced
187 competitive bids or proposals, except that the university may
188 enter into an agreement with an entity enumerated in paragraph
189 (3) (a) for leasing land or with a direct-support organization as
190 provided in s. 1004.28, which shall enter into subsequent
191 agreements for financing and constructing the project after
192 receiving competitive bids or proposals. Any facility
193 constructed, lease-purchased, or purchased under such
194 agreements, whether erected on land under the jurisdiction of
195 the university or not, shall conform to the construction
196 standards and codes applicable to university facilities. Each
197 university board of trustees shall adopt such regulations ~~rules~~
198 as are necessary to carry out its duties and responsibilities
199 imposed by this section.

200 Section 10. Subsection (10) of section 1007.27, Florida
201 Statutes, is repealed.

202 Section 11. Subsections (1), (3), and (10) of section
203 1013.30, Florida Statutes, are amended, and subsection (24) is

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204 added to that section to read:

205 1013.30 University campus master plans and campus
206 development agreements.—

207 (1) This section contains provisions for campus planning
208 and concurrency management which ~~that~~ supersede the requirements
209 of part II of chapter 163, except when stated otherwise in this
210 section. These special growth management provisions are adopted
211 in recognition of the unique relationship between university
212 campuses and the local governments in which they are located.
213 While the campuses provide research and educational benefits of
214 statewide and national importance, and further provide
215 substantial educational, economic, and cultural benefits to
216 their host local governments, they may also have an adverse
217 impact on the public facilities and services and natural
218 resources of host governments. On balance, however, universities
219 should be considered as vital public facilities of the state and
220 local governments. The intent of this section is to address this
221 unique relationship by providing for the preparation of campus
222 master plans ~~and associated campus development agreements.~~

223 (3) Each university board of trustees shall prepare and
224 adopt a campus master plan for the university and maintain a
225 copy of the plan on the university's website. The master plan
226 must identify general land uses and address the need for and
227 plans for provision of roads, parking, public transportation,
228 solid waste, drainage, sewer, potable water, and recreation and
229 open space during the coming 10 to 20 years. The plans must
230 contain elements relating to future land use, intergovernmental
231 coordination, capital improvements, recreation and open space,
232 general infrastructure, housing, and conservation. Each element

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233 must address compatibility with the surrounding community. The
234 master plan must identify specific land uses, general location
235 of structures, densities and intensities of use, and contain
236 standards for onsite development, site design, environmental
237 management, and the preservation of historic and archaeological
238 resources. The transportation element must address reasonable
239 transportation demand management techniques to minimize offsite
240 impacts where possible. Data and analyses on which the elements
241 are based must include, at a minimum: the characteristics of
242 vacant lands; projected impacts of development on onsite and
243 offsite infrastructure, public services, and natural resources;
244 student enrollment projections; student housing needs; and the
245 need for academic and support facilities. For each of the
246 facilities and services listed in the campus master plan, the
247 level-of-service standard established by the applicable local
248 government and the entity that will provide the service to the
249 campus shall be identified. Master plans must be updated at
250 least every 5 years.

251 (10) Upon adoption of a campus master plan, the university
252 board of trustees shall draft a proposed campus development
253 agreement for each local government and send it to the local
254 government within 270 days after the adoption of the relevant
255 campus master plan. This subsection expires July 1, 2011.

256 (24) Any campus development agreement between a university
257 board of trustees and a local government which was entered into
258 before July 1, 2011, pursuant to subsections (10)-(23) may not
259 be renewed upon the expiration of that agreement.

260 Section 12. Subsection (12) of section 1013.33, Florida
261 Statutes, is amended to read:

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1013.33 Coordination of planning with local governing
bodies.—

(12) As early in the design phase as feasible and
consistent with an interlocal agreement entered pursuant to
subsections (2)-(8), but no later than 90 days before commencing
construction, the district school board shall in writing request
a determination of consistency with the local government's
comprehensive plan. The local governing body that regulates the
use of land shall determine, in writing within 45 days after
receiving the necessary information and a school board's request
for a determination, whether a proposed educational facility is
consistent with the local comprehensive plan and consistent with
local land development regulations. If the determination is
affirmative, school construction may commence and further local
government approvals are not required, except as provided in
this section. Failure of the local governing body to make a
determination in writing within 90 days after a district school
board's request for a determination of consistency shall be
considered an approval of the district school board's
application. Campus master plans and development agreements must
comply with the provisions of s. 1013.30 ~~and 1013.63~~.

Section 13. Section 1013.63, Florida Statutes, is repealed.

Section 14. This act shall take effect July 1, 2011.