

# CHAPTER 97-210

## House Bill No. 615

An act relating to community colleges; creating s. 240.383, F.S.; establishing the State Community College System Facility Enhancement Challenge Grant Program to aid community colleges in building high priority instructional and community-related capital facilities; providing for deposit of funds; requiring a capital facilities matching account within the direct-support organization of each community college to provide matching funds from private contributions; providing for matching appropriations; providing eligibility requirements; providing guidelines; providing for disbursement of unexpended funds; providing for naming of facilities; providing an effective date.

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

Section 1. Section 240.383, Florida Statutes, is created to read:

240.383 State Community College System Facility Enhancement Challenge Grant Program.—

(1) The Legislature recognizes that the State Community College System does not have sufficient physical facilities to meet the current demands of its instructional and community programs. It further recognizes that, to strengthen and enhance the State Community College System, it is necessary to provide facilities in addition to those currently available from existing revenue sources. It further recognizes that there are sources of private support that, if matched with state support, can assist in constructing much needed facilities and strengthen the commitment of citizens and organizations in promoting excellence throughout the state community colleges. Therefore, it is the intent of the Legislature to establish a program to provide the opportunity for each community college through its direct-support organization to receive and match challenge grants for instructional and community-related capital facilities within the community college.

(2) There is established the State Community College System Facility Enhancement Challenge Grant Program for the purpose of assisting the State Community College System in building high priority instructional and community-related capital facilities consistent with s. 240.301, including common areas connecting such facilities. The direct-support organizations that serve the community colleges shall solicit gifts from private sources to provide matching funds for capital facilities. For the purposes of this section, private sources of funds shall not include any federal or state government funds that a community college may receive.

(3) The Community College Capital Facilities Matching Trust Fund, if created by law, otherwise the General Revenue Fund, shall provide funds to match private contributions for the development of high priority instructional and community-related capital facilities, including common areas

connecting such facilities, within the State Community College System. All appropriated funds deposited in the trust fund, if created by law, otherwise the General Revenue Fund, shall be invested pursuant to the provisions of s. 18.125. Interest income accruing to that portion of the trust fund, if created by law, otherwise the General Revenue Fund, shall increase the total funds available for the challenge grant program. Interest income accruing from the private donations shall be returned to the participating direct-support organization upon completion of the project.

(4) Within the direct-support organization of each community college there must be established a separate capital facilities matching account for the purpose of providing matching funds from the direct-support organization's unrestricted donations or other private contributions for the development of high priority instructional and community-related capital facilities, including common areas connecting such facilities. The Legislature shall appropriate funds to be transferred to the Community College Capital Facilities Matching Trust Fund, if created by law, otherwise the General Revenue Fund, for distribution to a community college after matching funds are certified by the direct-support organization and community college. The Public Education Capital Outlay and Debt Service Trust Fund shall not be used as the source of the state match for private contributions.

(5) A project may not be initiated unless all private funds for planning, construction, and equipping the facility have been received and deposited in the direct-support organization's matching account and the state's share for the minimum amount of funds needed to begin the project has been appropriated by the Legislature. The Legislature may appropriate the state's matching funds in one or more fiscal years for the planning, construction, and equipping of an eligible facility. However, these requirements shall not preclude the community college or direct-support organization from expending available funds from private sources to develop a prospectus, including preliminary architectural schematics and/or models, for use in its efforts to raise private funds for a facility. Additionally, any private sources of funds expended for this purpose are eligible for state matching funds should the project materialize as provided for in this section.

(6) To be eligible to participate in the State Community College System Facility Enhancement Challenge Grant Program, a community college, through its direct-support organization, shall raise a contribution equal to one-half of the total cost of a facilities construction project from private sources which shall be matched by a state appropriation equal to the amount raised for a facilities construction project, subject to the General Appropriations Act.

(7) If the state's share of the required match is insufficient to meet the requirements of subsection (6), the community college shall renegotiate the terms of the contribution with the donors. If the project is terminated, each private donation, plus accrued interest, reverts to the direct-support organization for remittance to the donor.

(8) By September 1 of each year, the Division of Community Colleges shall transmit to the Legislature a list of projects which meet all eligibility

requirements to participate in the State Community College System Facility Enhancement Challenge Grant Program and a budget request which includes the recommended schedule necessary to complete each project.

(9) In order for a project to be eligible under this program, it must be survey recommended under the provisions of s. 235.15 and included in the State Community College System 5-year capital improvement plan, and it must receive prior approval from the State Board of Community Colleges.

(10) A community college project may not be removed from the approved 3-year PECO priority list because of its successful participation in this program until approved by the Legislature and provided for in the General Appropriations Act. When such a project is completed and removed from the list, all other projects shall move up on the 3-year PECO priority list.

(11) Any project funds that are unexpended after a project is completed shall revert to the community college's direct-support organization capital facilities matching account. Fifty percent of such unexpended funds shall be reserved for the community college which originally received the private contribution for the purpose of providing private matching funds for future facility construction projects as provided in this section. The balance of such unexpended funds shall be returned to the Community College Capital Facilities Matching Trust Fund, if created by law, otherwise the General Revenue Fund, and be available to any community college for future facility construction projects conducted pursuant to this section.

(12) The surveys, architectural plans, facility, and equipment shall be the property of the participating community college. A facility constructed under this section may be named in honor of a donor at the option of the community college district board of trustees. A facility may not be named after a living person without prior approval by the State Board of Community Colleges.

Section 2. This act shall take effect July 1, 1997.

Became a law without the Governor's approval May 30, 1997.

Filed in Office Secretary of State May 29, 1997.