

## Committee Substitute for Senate Bill No. 1064

An act relating to facility enhancement challenge grant programs; amending s. 1011.32, F.S., relating to the Community College Facility Enhancement Challenge Grant Program; requiring that a project be approved by the State Board of Education or the Legislature; requiring that unexpended private matching funds revert to the direct-support organization capital facilities matching account of the community college; requiring that unexpended state matching funds revert to the trust fund from which the funds were appropriated; amending s. 1013.79, F.S., relating to the University Facility Enhancement Challenge Grant Program; providing for the future termination of the Alec P. Courtelis Capital Facilities Matching Trust Fund; prescribing procedures for terminating the trust fund; requiring each state university to establish a facilities matching grant program account for the deposit of private contributions; providing for the transfer of state funds with respect to the account; removing certain sources of state funds for use in matching private contributions; requiring the Board of Governors of the State University System to establish a method for validating the receipt and deposit of private matching funds; requiring the Board of Governors rather than the State Board of Education to approve projects under the Alec P. Courtelis University Facility Enhancement Challenge Grant Program; deleting provisions providing for the reversion of trust fund moneys to conform to changes made by the act; providing for the Board of Governors to approve the naming of a facility in honor of a donor; providing an effective date.

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

Section 1. Subsections (9) and (11) of section 1011.32, Florida Statutes, are amended to read:

1011.32 Community College Facility Enhancement Challenge Grant Program.—

(9) In order for a project to be eligible under this program, it must be survey recommended under the provisions of s. 1013.31 and included in the community college's 5-year capital improvement plan, and it must receive prior approval from the State Board of Education or the Legislature.

(11) Any private matching project funds for a project which ~~that~~ are unexpended after the 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 any such unexpended state matching funds shall be returned to the fund from which those funds were appropriated ~~General Revenue Fund~~.

Section 2. Section 1013.79, Florida Statutes, is amended to read:

1013.79 University Facility Enhancement Challenge Grant Program.—

(1) The Legislature recognizes that the universities do not have sufficient physical facilities to meet the current demands of their instructional and research programs. It further recognizes that, to strengthen and enhance universities, 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 universities. Therefore, it is the intent of the Legislature to establish a trust fund to provide the opportunity for each university to receive support for challenge grants for instructional and research-related capital facilities within the university.

(2) There is hereby established the Alec P. Courtelis University Facility Enhancement Challenge Grant Program for the purpose of assisting universities build high priority instructional and research-related capital facilities, including common areas connecting such facilities. The associated foundations that serve the universities shall solicit gifts from private sources to provide matching funds for capital facilities. For the purposes of this act, private sources of funds shall not include any federal, state, or local government funds that a university may receive.

(3)(a) ~~There is established the Alec P. Courtelis Capital Facilities Matching Trust Fund to facilitate for the purpose of providing matching funds from private contributions for the development of high priority instructional and research-related capital facilities, including common areas connecting such facilities, within a university. All appropriated funds deposited into the trust fund shall be invested pursuant to s. 17.61. Interest income accruing to that portion of the trust fund shall increase the total funds available for the challenge grant program.~~

(b) Effective July 1, 2009, the Alec P. Courtelis Capital Facilities Matching Trust Fund is terminated.

(c) The State Board of Education shall pay any outstanding debts and obligations of the terminated fund as soon as practicable, and the Chief Financial Officer shall close out and remove the terminated funds from various state accounting systems using generally accepted accounting principles concerning warrants outstanding, assets, and liabilities.

(d) By June 30, 2008, all private funds and associated interest earnings held in the Alec P. Courtelis Capital Facilities Matching Trust Fund shall be transferred to the originating university's individual program account.

(4) Each university shall establish, pursuant to s. 1011.42, a facilities matching grant program account as a depository for private contributions provided under this section. Once a project is under contract, funds appropriated as state matching funds may be transferred to the university's account once the Board of Governors certifies receipt of the private matching

funds pursuant to subsection (5). State funds that are not needed as matching funds for the project for which appropriated shall be transferred, together with any accrued interest, back to the state fund from which such funds were appropriated. The transfer of unneeded state funds shall occur within 30 days after final completion of the project or within 30 days after a determination that the project will not be completed. The Legislature may appropriate funds to be transferred to the trust fund. The Public Education Capital Outlay and Debt Service Trust Fund or the, Capital Improvement Trust Fund, Division of Sponsored Research Trust Fund, and Contracts and Grants Trust Fund shall not be used as the source of the state match for private contributions. All appropriated funds deposited into the trust fund shall be invested pursuant to the provisions of s. 17.61. Interest income accruing to that portion of the trust 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 foundation upon completion of the project. The State Board of Education shall administer the trust fund and all related construction activities.

(5)(4) A No project may not shall be initiated unless all private funds for planning, construction, and equipping the facility have been received and deposited in the separate university program account designated for this purpose trust fund and the state's share for the minimum amount of funds needed to begin the project has been appropriated by the Legislature. The Board of Governors shall establish a method for validating the receipt and deposit of private matching funds. 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 university from expending available funds from private sources to develop a prospectus, including preliminary architectural schematics or 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)(5) To be eligible to participate in the Alec P. Courtelis University Facility Enhancement Challenge Grant Program Capital Facilities Matching Trust Fund, a university shall raise a contribution equal to one-half of the total cost of a facilities construction project from private nongovernmental 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)(6) If the state's share of the required match is insufficient to meet the requirements of subsection (6) (5), the university shall renegotiate the terms of the contribution with the donors. If the project is terminated, each private donation, plus accrued interest, reverts to the foundation for remittance to the donor.

(8)(7) By October ~~September~~ 1 of each year, the State Board of Governors Education shall transmit to the Legislature a list of projects that which meet all eligibility requirements to participate in the Alec P. Courtelis University Facility Enhancement Challenge Grant Program Capital Facilities Match-

ing Trust Fund and a budget request that which includes the recommended schedule necessary to complete each project.

(9)(8) In order for a project to be eligible under this program, it must be included in the university 5-year capital improvement plan and must receive ~~prior~~ approval from the State Board of Governors or Education and the Legislature.

(10)(9) A No university's project may not shall 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. A university shall not use PECO funds, including the Capital Improvement Trust Fund fee and the building fee, to complete a project under this section.

~~(10) Any project funds that are unexpended after a project is completed shall revert to the Capital Facilities Matching Trust Fund. Fifty percent of such unexpended funds shall be reserved for the university 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 available to any state university for future facility construction projects conducted pursuant to this section.~~

(11) The surveys, architectural plans, facility, and equipment shall be the property of the State of Florida. A facility constructed pursuant to this section may be named in honor of a donor at the option of the university and the State Board of Governors Education. No facility shall be named after a living person without prior approval by the Legislature.

Section 3. This act shall take effect July 1, 2007.

Approved by the Governor May 24, 2007.

Filed in Office Secretary of State May 24, 2007.