

CHAPTER 2012-129

Senate Bill No. 1994

An act relating to postsecondary education; amending s. 1004.345, F.S.; deleting provisions creating the University of South Florida Polytechnic; requiring that the Florida Polytechnic University meet certain criteria established by the Board of Governors by a specified date; requiring that the Board of Trustees of the Florida Polytechnic University notify the Board of Governors when such criteria are met; requiring that students enrolled at the University of South Florida Polytechnic be afforded the opportunity to complete their degrees at the University of South Florida; transferring all real and personal property, licenses and associated revenues, existing contracts, unexpended balances, appropriations, allocations, funds, and mutually agreed-upon obligations, responsibilities, and liabilities from the University of South Florida which relate to the University of South Florida Polytechnic campus, as determined by the Board of Trustees of the University of South Florida and the Board of Trustees of the Florida Polytechnic University, to the Florida Polytechnic University; transferring all Florida Industrial and Phosphate Research Institute programs, functions, offices, records, faculty positions, and staff positions from the University of South Florida Polytechnic to the Florida Polytechnic University; transferring all programs, functions, offices, records, and faculty and staff positions from the University of South Florida Polytechnic to the University of South Florida when certain transfers are complete; authorizing the Board of Trustees of the Florida Polytechnic University to certify a direct-support organization to serve the Florida Polytechnic University; requiring that the Board of Trustees of the University of South Florida and the University of South Florida Foundation develop and implement a plan to transfer the assets derived from donations that were intended for the University of South Florida Polytechnic campus after obtaining consent from the appropriate donors; providing that memoranda of understanding between the University of South Florida and the University of South Florida Polytechnic are invalid upon the act becoming a law; requiring that the University of South Florida obtain consents required by the Federal Communications Commission and third parties, and approval by the Federal Communications Commission, before assigning the educational broadband service station license to the Florida Polytechnic University; requiring that the Florida Polytechnic University retain, not subject to lease or other expense, the space occupied by the University of South Florida Polytechnic campus in the Lakeland joint-use facility; authorizing the University of South Florida to use space pursuant to a mutual agreement under certain circumstances; requiring the transfer of space at the Lakeland joint-use facility to Polk State College when the Florida Polytechnic University no longer needs the space; requiring that the University of Florida be available in an advisory or consulting capacity to assist the Florida Polytechnic University; providing that the Board of Trustees of the University of South Florida

and the Board of Trustees of the Florida Polytechnic University and their respective officers, trustees, employees, attorneys, and agents are immune from civil liability; amending s. 1001.21, F.S.; revising the definition of “state university” to include the Florida Polytechnic University; amending s. 1004.346, F.S.; revising provisions relating to the Florida Industrial and Phosphate Research Institute, to conform to changes made by the act; amending s. 1004.387, F.S.; providing for a doctor of pharmacy degree program at the University of South Florida; deleting provisions that authorize the development and implementation of the program on the campus of the University of South Florida Polytechnic; amending s. 1013.74, F.S.; authorizing a university board of trustees to expend certain reserve or carry forward balances from prior years for capital outlay projects for a new campus for specified fiscal years; providing appropriations; providing an effective date.

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

Section 1. Section 1004.345, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 1004.345, F.S., for present text.)

1004.345 The Florida Polytechnic University.—

(1) By December 31, 2016, the Florida Polytechnic University shall meet the following criteria as established by the Board of Governors:

(a) Achieve accreditation from the Commission on Colleges of the Southern Association of Colleges and Schools;

(b) Initiate the development of the new programs in the fields of science, technology, engineering, and mathematics;

(c) Seek discipline-specific accreditation for programs;

(d) Attain a minimum FTE of 1,244, with a minimum 50 percent of that FTE in the fields of science, technology, engineering, and mathematics and 20 percent in programs related to those fields;

(e) Complete facilities and infrastructure, including the Science and Technology Building, Phase I of the Wellness Center, and a residence hall or halls containing no fewer than 190 beds; and

(f) Have the ability to provide, either directly or where feasible through a shared services model, administration of financial aid, admissions, student support, information technology, and finance and accounting with an internal audit function.

(2) Once the criteria in subsection (1) have been met, the Board of Trustees of the Florida Polytechnic University shall notify the Board of

Governors, and the Board of Governors shall conduct a final review to confirm that the criteria have been met.

(3) Students enrolled at the University of South Florida Polytechnic shall be afforded the opportunity to complete their degrees at the University of South Florida, subject to university criteria.

Section 2. The following transfers shall be made:

(1) All real and personal property, licenses and associated revenues, existing contracts, unexpended balances, appropriations, allocations, funds, and mutually agreed-upon obligations, responsibilities, and liabilities of the University of South Florida which relate to the University of South Florida Polytechnic campus, as determined by the Board of Trustees of the University of South Florida and the Board of Trustees of the Florida Polytechnic University, shall be transferred to the Florida Polytechnic University.

(2) All Florida Industrial and Phosphate Research Institute programs, functions, offices, records, faculty positions, and staff positions of the University of South Florida Polytechnic shall be transferred to the Florida Polytechnic University.

(3) After the transfers required in subsections (1) and (2) are complete, all programs, functions, offices, records, faculty positions, and staff positions of the University of South Florida Polytechnic shall be transferred to the University of South Florida.

Section 3. In accordance with s. 1004.28, Florida Statutes, and the regulations of the Board of Governors, the Board of Trustees of the Florida Polytechnic University may certify a direct-support organization to serve the Florida Polytechnic University. The Board of Trustees of the University of South Florida, in conjunction with the University of South Florida Foundation, shall develop and implement a plan to transfer, after obtaining consent from the appropriate donors, assets derived from donations intended for the enhancement of the University of South Florida Polytechnic campus to the new direct-support organization serving the Florida Polytechnic University.

Section 4. All memoranda of understanding between the University of South Florida and the University of South Florida Polytechnic and its successors shall be invalid upon this act becoming a law.

Section 5. The University of South Florida shall take appropriate action, in collaboration with the Florida Polytechnic University, to obtain all consents required by the Federal Communications Commission and third parties before assigning the educational broadband service station license that has a Federal Communications Commission-issued reference point in Polk County, Florida, to the Florida Polytechnic University. Upon obtaining such consents, and upon the approval of the Federal Communications Commission, the University of South Florida shall assign the license, along

with the excess capacity lease agreement for the license, to the Florida Polytechnic University, which shall assume the benefits, obligations, and liabilities as the successor in interest, including all regulatory and contractual responsibilities. This section is contingent upon the approval of the assignment of the lease by the Federal Communications Commission.

Section 6. The Florida Polytechnic University shall retain, not subject to lease or other expense, the space occupied by the University of South Florida Polytechnic campus in the Lakeland joint-use facility and the associated facility utilization rights and obligations and shall allow the University of South Florida to use space pursuant to a mutual agreement specifying the space to be used for the purpose of continuing the local education of students who are enrolled at, or already admitted to, the University of South Florida Polytechnic before the effective date of this act and who wish to remain students at the University of South Florida. Such students shall be afforded the opportunity to complete their degrees at the University of South Florida, subject to university criteria. The mutual facility utilization agreement shall be adjusted annually to reflect the space needs of the University of South Florida for the purpose of continuing the local education of eligible students. The Florida Polytechnic University shall transfer space at the Lakeland joint-use facility to Polk State College as new space becomes available on the new campus of the Florida Polytechnic University. Once the Florida Polytechnic University has no further need for the space at the Lakeland joint-use facility, the Florida Polytechnic University shall complete the transfer of all remaining property and buildings of the joint-use facility to Polk State College. This section does not prevent the University of South Florida, the Florida Polytechnic University, or Polk State College from entering into mutual agreements to share or use space in the Lakeland joint-use facility.

Section 7. The University of Florida, using its expertise in the disciplines of science, technology, engineering, and mathematics, shall be available in an advisory or consulting capacity to assist the president and the Board of Trustees of the Florida Polytechnic University in hiring, accreditation, administration, and other areas.

Section 8. The Board of Trustees of the University of South Florida and the Board of Trustees of the Florida Polytechnic University, and the their respective officers, trustees, employees, attorneys, and agents, are immune from any and all civil liability pertaining to or arising from compliance with this act, including the transfers required in this act.

Section 9. Paragraph (1) is added to subsection (6) of section 1000.21, Florida Statutes, to read:

1000.21 Systemwide definitions.—As used in the Florida K-20 Education Code:

(6) "State university," except as otherwise specifically provided, includes the following institutions and any branch campuses, centers, or other affiliates of the institution:

(1) The Florida Polytechnic University.

Section 10. Subsection (1), paragraph (b) of subsection (2), and subsection (3) of section 1004.346, Florida Statutes, are amended to read:

1004.346 Florida Industrial and Phosphate Research Institute.—

(1) INSTITUTE CREATION.—The Florida Industrial and Phosphate Research Institute is established within the Florida Polytechnic University ~~University of South Florida Polytechnic~~.

(2) PHOSPHATE RESEARCH AND ACTIVITIES BOARD.—The Phosphate Research and Activities Board is created to monitor the expenditure of funds appropriated to the university from the Phosphate Research Trust Fund.

(b) The board shall consist of five members. The Governor shall appoint two persons representing the phosphate mining or processing industry and one member representing a major environmental conservation group in the state. The Secretary of Environmental Protection or his or her designee and the president Campus Executive Officer of the Florida Polytechnic University ~~University of South Florida Polytechnic~~ shall also serve as board members.

(3) INSTITUTE EXECUTIVE DIRECTOR.—An executive director shall be designated by and serve at the pleasure of the president Campus Executive Officer of the Florida Polytechnic University ~~University of South Florida Polytechnic~~ or his or her designee. The executive director shall be responsible for the daily administration of the institute, including the expenditure of funds from all sources. The executive director shall consult with the Phosphate Research and Activities Board on the projects that the institute expects to undertake using moneys appropriated from the Phosphate Research Trust Fund.

Section 11. Section 1004.387, Florida Statutes, is amended to read:

1004.387 Doctor of pharmacy degree program at the University of South Florida.—A doctor of pharmacy degree program is authorized at the University of South Florida. The program shall be physically located on the new campus of the University of South Florida ~~Polytechnic~~. ~~The university is authorized to develop and implement the program within existing facilities only until the construction of a pharmacy facility on the new campus of the University of South Florida Polytechnic is completed, which shall house the doctor of pharmacy degree program.~~

Section 12. Subsection (6) is added to section 1013.74, Florida Statutes, to read:

1013.74 University authorization for fixed capital outlay projects.—

(6) For the 2011-2012 through 2022-2023 fiscal years, a university board of trustees may expend reserve or carry forward balances from prior year operational and programmatic appropriations for legislatively approved fixed capital outlay projects authorized for the establishment of a new campus.

Section 13. The sum of \$6 million is appropriated to the Medical Center at the University of South Florida from recurring general revenue for the 2012-2013 fiscal year for the purpose of funding the University of South Florida's College of Pharmacy.

Section 14. The sum of \$10 million is appropriated to the University of South Florida from recurring general revenue for the 2012-2013 fiscal year in Education and General Activities for the purpose of allowing students enrolled in the University of South Florida Polytechnic to complete their degrees at the University of South Florida. The appropriation of such funds is contingent upon the University of South Florida meeting the transfer requirements contained in this act and maintaining full campus and program operations, including the retention of current faculty and staff, except for employee terminations for cause, for the University of South Florida Polytechnic until June 30, 2012. The Executive Office of the Governor shall place such funds in reserve if it determines that the contingency has not been met.

Section 15. This act shall take effect upon becoming a law.

Approved by the Governor April 20, 2012.

Filed in Office Secretary of State April 20, 2012.