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LEGISLATIVE ACTION

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| Senate | . | House |
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| | . | |
| Floor: AD/CR | . | |
| 03/09/2012 03:33 PM | . | |
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The Conference Committee on SB 1994, 1st Eng. recommended the following:

1 **Senate Conference Committee Amendment (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

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

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

10 1004.345 The Florida Polytechnic University.—

11 (1) By December 31, 2016, the Florida Polytechnic
12 University shall meet the following criteria as established by



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13 the Board of Governors:

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

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

18 (c) Seek discipline-specific accreditation for programs;

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

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

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

32 (2) Once the criteria in subsection (1) have been met, the
33 Board of Trustees of the Florida Polytechnic University shall
34 notify the Board of Governors, and the Board of Governors shall
35 conduct a final review to confirm that the criteria have been
36 met.

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

41 Section 2. The following transfers shall be made:



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

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

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

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



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71 University.

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

76 Section 5. The University of South Florida shall take
77 appropriate action, in collaboration with the Florida
78 Polytechnic University, to obtain all consents required by the
79 Federal Communications Commission and third parties before
80 assigning the educational broadband service station license that
81 has a Federal Communications Commission-issued reference point
82 in Polk County, Florida, to the Florida Polytechnic University.
83 Upon obtaining such consents, and upon the approval of the
84 Federal Communications Commission, the University of South
85 Florida shall assign the license, along with the excess capacity
86 lease agreement for the license, to the Florida Polytechnic
87 University, which shall assume the benefits, obligations, and
88 liabilities as the successor in interest, including all
89 regulatory and contractual responsibilities. This section is
90 contingent upon the approval of the assignment of the lease by
91 the Federal Communications Commission.

92 Section 6. The Florida Polytechnic University shall retain,
93 not subject to lease or other expense, the space occupied by the
94 University of South Florida Polytechnic campus in the Lakeland
95 joint-use facility and the associated facility utilization
96 rights and obligations and shall allow the University of South
97 Florida to use space pursuant to a mutual agreement specifying
98 the space to be used for the purpose of continuing the local
99 education of students who are enrolled at, or already admitted



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100 to, the University of South Florida Polytechnic before the
101 effective date of this act and who wish to remain students at
102 the University of South Florida. Such students shall be afforded
103 the opportunity to complete their degrees at the University of
104 South Florida, subject to university criteria. The mutual
105 facility utilization agreement shall be adjusted annually to
106 reflect the space needs of the University of South Florida for
107 the purpose of continuing the local education of eligible
108 students. The Florida Polytechnic University shall transfer
109 space at the Lakeland joint-use facility to Polk State College
110 as new space becomes available on the new campus of the Florida
111 Polytechnic University. Once the Florida Polytechnic University
112 has no further need for the space at the Lakeland joint-use
113 facility, the Florida Polytechnic University shall complete the
114 transfer of all remaining property and buildings of the joint-
115 use facility to Polk State College. This section does not
116 prevent the University of South Florida, the Florida Polytechnic
117 University, or Polk State College from entering into mutual
118 agreements to share or use space in the Lakeland joint-use
119 facility.

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

126 Section 8. The Board of Trustees of the University of South
127 Florida and the Board of Trustees of the Florida Polytechnic
128 University, and the their respective officers, trustees,



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129 employees, attorneys, and agents, are immune from any and all
130 civil liability pertaining to or arising from compliance with
131 this act, including the transfers required in this act.

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

134 1000.21 Systemwide definitions.—As used in the Florida K-20
135 Education Code:

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

139 (1) The Florida Polytechnic University.

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

143 1004.346 Florida Industrial and Phosphate Research
144 Institute.—

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

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

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



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158 University ~~University of South Florida Polytechnic~~ shall also
159 serve as board members.

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

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

172 1004.387 Doctor of pharmacy degree program at the
173 University of South Florida.—A doctor of pharmacy degree program
174 is authorized at the University of South Florida. The program
175 shall be physically located on the ~~new~~ campus of the University
176 of South Florida Polytechnic. ~~The university is authorized to~~
177 ~~develop and implement the program within existing facilities~~
178 ~~only until the construction of a pharmacy facility on the new~~
179 ~~campus of the University of South Florida Polytechnic is~~
180 ~~completed, which shall house the doctor of pharmacy degree~~
181 ~~program.~~

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

184 1013.74 University authorization for fixed capital outlay
185 projects.—

186 (6) For the 2011-2012 through 2022-2023 fiscal years, a



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187 university board of trustees may expend reserve or carry forward
188 balances from prior year operational and programmatic
189 appropriations for legislatively approved fixed capital outlay
190 projects authorized for the establishment of a new campus.

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

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

209 Section 15. This act shall take effect upon becoming a law.
210

211 ===== T I T L E A M E N D M E N T =====

212 And the title is amended as follows:

213 Delete everything before the enacting clause
214 and insert:

215 A bill to be entitled



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216 An act relating to postsecondary education; amending
217 s. 1004.345, F.S.; deleting provisions creating the
218 University of South Florida Polytechnic; requiring
219 that the Florida Polytechnic University meet certain
220 criteria established by the Board of Governors by a
221 specified date; requiring that the Board of Trustees
222 of the Florida Polytechnic University notify the Board
223 of Governors when such criteria are met; requiring
224 that students enrolled at the University of South
225 Florida Polytechnic be afforded the opportunity to
226 complete their degrees at the University of South
227 Florida; transferring all real and personal property,
228 licenses and associated revenues, existing contracts,
229 unexpended balances, appropriations, allocations,
230 funds, and mutually agreed-upon obligations,
231 responsibilities, and liabilities from the University
232 of South Florida which relate to the University of
233 South Florida Polytechnic campus, as determined by the
234 Board of Trustees of the University of South Florida
235 and the Board of Trustees of the Florida Polytechnic
236 University, to the Florida Polytechnic University;
237 transferring all Florida Industrial and Phosphate
238 Research Institute programs, functions, offices,
239 records, faculty positions, and staff positions from
240 the University of South Florida Polytechnic to the
241 Florida Polytechnic University; transferring all
242 programs, functions, offices, records, and faculty and
243 staff positions from the University of South Florida
244 Polytechnic to the University of South Florida when



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245 certain transfers are complete; authorizing the Board
246 of Trustees of the Florida Polytechnic University to
247 certify a direct-support organization to serve the
248 Florida Polytechnic University; requiring that the
249 Board of Trustees of the University of South Florida
250 and the University of South Florida Foundation develop
251 and implement a plan to transfer the assets derived
252 from donations that were intended for the University
253 of South Florida Polytechnic campus after obtaining
254 consent from the appropriate donors; providing that
255 memoranda of understanding between the University of
256 South Florida and the University of South Florida
257 Polytechnic are invalid upon the act becoming a law;
258 requiring that the University of South Florida obtain
259 consents required by the Federal Communications
260 Commission and third parties, and approval by the
261 Federal Communications Commission, before assigning
262 the educational broadband service station license to
263 the Florida Polytechnic University; requiring that the
264 Florida Polytechnic University retain, not subject to
265 lease or other expense, the space occupied by the
266 University of South Florida Polytechnic campus in the
267 Lakeland joint-use facility; authorizing the
268 University of South Florida to use space pursuant to a
269 mutual agreement under certain circumstances;
270 requiring the transfer of space at the Lakeland joint-
271 use facility to Polk State College when the Florida
272 Polytechnic University no longer needs the space;
273 requiring that the University of Florida be available



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274 in an advisory or consulting capacity to assist the
275 Florida Polytechnic University; providing that the
276 Board of Trustees of the University of South Florida
277 and the Board of Trustees of the Florida Polytechnic
278 University and their respective officers, trustees,
279 employees, attorneys, and agents are immune from civil
280 liability; amending s. 1001.21, F.S.; revising the
281 definition of "state university" to include the
282 Florida Polytechnic University; amending s. 1004.346,
283 F.S.; revising provisions relating to the Florida
284 Industrial and Phosphate Research Institute, to
285 conform to changes made by the act; amending s.
286 1004.387, F.S.; providing for a doctor of pharmacy
287 degree program at the University of South Florida;
288 deleting provisions that authorize the development and
289 implementation of the program on the campus of the
290 University of South Florida Polytechnic; amending s.
291 1013.74, F.S.; authorizing a university board of
292 trustees to expend certain reserve or carry forward
293 balances from prior years for capital outlay projects
294 for a new campus for specified fiscal years; providing
295 appropriations; providing an effective date.