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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/25/2013	.	
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The Committee on Appropriations (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 736 and 737  
insert:

Section 3. Paragraph (c) of subsection (1), paragraph (a) of subsection (2), paragraph (a) of subsection (3), and paragraph (a) of subsection (7) of section 1010.62, Florida Statutes, are amended to read:

1010.62 Revenue bonds and debt.—

(1) As used in this section, the term:

(c) "Debt" means bonds, except revenue bonds as defined in paragraph (e), loans, promissory notes, lease-purchase



13 agreements, certificates of participation, installment sales,  
14 leases, public-private partnership agreements, or any other  
15 financing mechanism or financial arrangement, whether or not a  
16 debt for legal purposes, for financing or refinancing for or on  
17 behalf of a state university or a direct-support organization or  
18 for the acquisition, construction, improvement, or purchase of  
19 capital outlay projects.

20 (2) (a) The Board of Governors may request the issuance of  
21 revenue bonds pursuant to the State Bond Act and s. 11(d), Art.  
22 VII of the State Constitution to finance or refinance capital  
23 outlay projects permitted by law. Revenue bonds may be secured  
24 by or payable only from those revenues authorized for such  
25 purpose, including the Capital Improvement Trust Fund fee, ~~the~~  
26 ~~building fee~~, the health fee, the transportation access fee,  
27 hospital revenues, or those revenues derived from or received in  
28 relation to sales and services of auxiliary enterprises or  
29 component units of the university, including, but not limited  
30 to, housing, transportation, health care, research or research-  
31 related activities, food service, retail sales, athletic  
32 activities, or other similar services, other revenues  
33 attributable to the projects to be financed or refinanced, any  
34 other revenue approved by the Legislature for facilities  
35 construction or for securing revenue bonds issued pursuant to s.  
36 11(d), Art. VII of the State Constitution, or any other revenues  
37 permitted by law. Revenues from the activity and service fee and  
38 the athletic fee may be used to pay and secure revenue bonds  
39 except that the annual debt service may ~~shall~~ not exceed an  
40 amount equal to 5 percent of the fees collected during the most  
41 recent 12 consecutive months for which collection information is



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42 available before ~~prior to~~ the sale of the bonds. The assets of a  
43 university foundation and the earnings thereon may also be used  
44 to pay and secure revenue bonds of the university or its direct-  
45 support organizations. Revenues from royalties and licensing  
46 fees may also be used to pay and secure revenue bonds so long as  
47 either the facilities being financed are functionally related to  
48 the university operation or direct-support organization  
49 reporting such royalties and licensing fees, or such revenues  
50 are used to secure revenue bonds issued to finance academic,  
51 educational, or research facilities that are part of a  
52 multipurpose capital outlay project. Revenue bonds may not be  
53 secured by or be payable from, directly or indirectly, tuition,  
54 the financial aid fee, ~~sales and services of educational~~  
55 ~~departments,~~ revenues from grants and contracts, except for  
56 money received for overhead and indirect costs and other moneys  
57 not required for the payment of direct costs, or any other  
58 operating revenues of a state university. Revenues from one  
59 auxiliary enterprise may ~~not~~ be used to secure revenue bonds of  
60 another only if unless the Board of Governors, after review and  
61 analysis, determines that either the facilities being financed  
62 are functionally related to the auxiliary enterprise revenues  
63 being used to secure such revenue bonds or such revenues are  
64 used to secure revenue bonds issued to finance academic,  
65 educational, or research facilities that are part of a  
66 multipurpose capital outlay project.

67 (3) (a) A state university or direct-support organization  
68 may not issue debt without the approval of the Board of  
69 Governors. The Board of Governors may approve the issuance of  
70 debt by a state university or a direct-support organization only



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71 when such debt is used to finance or refinance capital outlay  
72 projects. The debt may be secured by or payable only from those  
73 revenues authorized for such purpose, including the health fee,  
74 the transportation access fee, hospital revenues, or those  
75 revenues derived from or received in relation to sales and  
76 services of auxiliary enterprises or component units of the  
77 university, including, but not limited to, housing,  
78 transportation, health care, research or research-related  
79 activities, food service, retail sales, athletic activities, or  
80 other similar services. Revenues derived from the activity and  
81 service fee ~~and the athletic fee~~ may be used to pay and secure  
82 debt except that the annual debt service may ~~shall~~ not exceed an  
83 amount equal to 5 percent of the fees collected during the most  
84 recent 12 consecutive months for which collection information is  
85 available before ~~prior to~~ incurring the debt. The assets of  
86 university foundations and the earnings thereon may be used to  
87 pay and secure debt of the university or its direct-support  
88 organizations. Gifts and donations or pledges of gifts may also  
89 be used to secure debt so long as the maturity of the debt,  
90 including extensions, renewals, and refundings, does not exceed  
91 5 years. Revenues from royalties and licensing fees may also be  
92 used to secure debt so long as either the facilities being  
93 financed are functionally related to the university operation or  
94 direct-support organization reporting such royalties and  
95 licensing fees or such revenues are used to secure debt issued  
96 to finance academic, educational, or research facilities that  
97 are part of a multipurpose capital outlay project. The debt may  
98 not be secured by or be payable from, directly or indirectly,  
99 tuition, the financial aid fee, ~~sales and services of~~



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100 ~~educational departments,~~ revenues from grants and contracts,  
101 except for money received for overhead and indirect costs and  
102 other moneys not required for the payment of direct costs of  
103 grants, or any other operating revenues of a state university.  
104 The debt of direct-support organizations may not be secured by  
105 or be payable under an agreement or contract with a state  
106 university unless the source of payments under such agreement or  
107 contract is limited to revenues that universities are authorized  
108 to use for payment of debt service. Revenues from one auxiliary  
109 enterprise may ~~not~~ be used to secure debt of another only if  
110 ~~unless~~ the Board of Governors, after review and analysis,  
111 determines that either the facilities being financed are  
112 functionally related to the auxiliary enterprise revenues being  
113 used to secure such debt or such revenues are used to secure  
114 debt issued to finance academic, educational, or research  
115 facilities that are part of a multipurpose capital outlay  
116 project. Debt may not be approved to finance or refinance  
117 operating expenses of a state university or a direct-support  
118 organization. The maturity of debt used to finance or refinance  
119 the acquisition of equipment or software, including any  
120 extensions, renewals, or refundings thereof, shall be limited to  
121 5 years or the estimated useful life of the equipment or  
122 software, whichever is shorter. The Board of Governors may  
123 establish conditions and limitations on such debt as it  
124 determines to be advisable.

125 (7) (a) As required pursuant to s. 11(d), Art. VII of the  
126 State Constitution and subsection (6), the Legislature approves  
127 capital outlay projects meeting the following requirements:

128 1. The project is located on a campus of a state university



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129 or on land leased to the university or is used for activities  
130 relating to the state university;

131 2. The project is included in the master plan of the state  
132 university or is for facilities that are not required to be in a  
133 university's master plan;

134 3. The project is approved by the Board of Governors as  
135 being consistent with the strategic plan of the state university  
136 and the programs offered by the state university; and

137 4. The project is for purposes relating to the housing,  
138 transportation, health care, research or research-related  
139 activities, food service, retail sales, ~~or~~ student activities,  
140 or academic or educational activities of the state university.

141  
142 ===== T I T L E A M E N D M E N T =====

143 And the title is amended as follows:

144 Delete line 26

145 and insert:

146 requiring a fee for certain proposals; amending s.  
147 1010.62, F.S.; adding public-private partnership  
148 agreements to the definition of the term university  
149 "debt"; revising sources that may be used to secure or  
150 pay revenue bonds; authorizing revenues from royalties  
151 and licensing and auxiliary enterprise revenues to be  
152 used to secure debt for academic, educational, and  
153 research facilities that are part of a multipurpose  
154 project; authorizing academic and educational  
155 activities to be bonded without legislative approval  
156 of the specific project; providing an