Representative Rodrigues, R. offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (19) is added to section 1001.03, Florida Statutes, to read:

1001.03  Specific powers of State Board of Education.—

(19)  PUBLIC EDUCATION CAPITAL OUTLAY.—The State Board of Education shall develop and submit the prioritized list required by s. 1013.64(4). Projects considered for prioritization shall be chosen from a preliminary selection group which shall include the list of projects maintained pursuant to paragraph (d) and the top two priorities of each Florida College System.
(a) The state board shall develop a points-based prioritization method to rank projects for consideration from the preliminary selection group that awards points for the degree to which a project meets specific criteria compared to other projects in the preliminary selection group. The state board shall use criteria that evaluates the degree to which:

1. The project was funded previously by the Legislature and the amount of funds needed for completion constitute a relatively low percentage of total project costs;

2. The project represents a building maintenance project or the repair of utility infrastructure which is necessary to preserve a safe environment for students and staff, or a project that is necessary to maintain the operation of a Florida College System institution site, and for which the institution can demonstrate that it has no other funding source available to complete the project;

3. The project addresses the greatest current year need for space as indicated by increased instructional capacity that enhances educational opportunities for the greatest number of students;

4. The project reflects the priority of the submitting Florida College System institution; and

5. The project represents the most cost effective replacement or renovation of an existing building.
(b) Within the point scale developed by the state board, the project scoring the highest for each criteria shall be awarded the maximum points in the range of points within the points scale developed by the state board. The maximum points awarded for each criteria shall represent the following percent of the total of maximum points:

1. The criteria in subparagraphs 1., 2., and 5. shall each receive a maximum of 20 percent of the total maximum points.
2. The criteria in subparagraph 3. shall receive 35 percent of the total maximum points.
3. The criteria in subparagraph 4. shall receive 5 percent of the total maximum points.

(c) A new construction, remodeling, or renovation project that has not received an appropriation in a previous year shall not be considered for inclusion on the prioritized list required by s. 1013.64(4), unless:

1. The project is needed to preserve the safety of persons using the facility or the project is consistent with a strategic legislative initiative;
2. A plan is provided to reserve funds in an escrow account, specific to the project, into which shall be deposited each year an amount of funds equal to 0.5 percent of the total value of the building for future maintenance;
3. There are sufficient excess funds from the allocation provided pursuant to s. 1013.60 within the 3 year planning
period which are not needed to complete the projects listed pursuant to paragraph (d); and

4. The project has been recommended pursuant to s. 1013.31.

(d) The state board shall continually maintain a list of all public education capital outlay projects for which state funds were previously appropriated which have not been completed. The list shall include an estimate of the amount of state funding needed for the completion of each project.

(e) The state board shall review its space need calculation methodology developed pursuant to s. 1013.31 to incorporate improvements, efficiencies, or changes. Recommendations shall be submitted to the chairs of the House of Representatives and Senate appropriations committees by October 31, 2019, and every 3 years thereafter.

Section 2. Subsection (12) is added to section 1001.706, Florida Statutes, to read:

1001.706 Powers and duties of the Board of Governors.—

(12) PUBLIC EDUCATION CAPITAL OUTLAY.—The Board of Governors shall submit the prioritized list as required by s. 1013.64(4). Projects considered for prioritization shall be chosen from a preliminary selection group which shall include the list of projects maintained pursuant to paragraph (d) and the top two priorities of each state university.

(a) The board shall develop a points-based prioritization
method to rank projects for consideration from the preliminary selection group that awards points for the degree to which a project meets specific criteria compared to other projects in the preliminary selection group. The board shall use criteria that evaluates the degree to which:

1. The project was funded previously by the Legislature and the amount of funds needed for completion constitute a relatively low percentage of total project costs;

2. The project represents a building maintenance project or the repair of utility infrastructure which is necessary to preserve a safe environment for students and staff, or a project that is necessary to maintain the operation of a university site, and for which the university can demonstrate that it has no funds available to complete the project from the sources designated in s. 1011.45;

3. The project addresses the greatest current year need for space as indicated by increased instructional or research capacity that enhances educational opportunities for the greatest number of students or the university's research mission;

4. The project reflects the priority of the submitting university; and

5. The project represents the most cost effective replacement or renovation of an existing building.

(b) Within the point scale developed by the board, the
project scoring the highest for each criteria shall be awarded the maximum points in the range of points within the points scale developed by the board. The maximum points awarded for each criteria shall represent the following percent of the total of maximum points:

1. The criteria in subparagraphs 1., 2., and 5. shall each receive a maximum of 20 percent of the total maximum points.

2. The criteria in subparagraph 3. shall receive 35 percent of the total maximum points.

3. The criteria in subparagraph 4. shall receive 5 percent of the total maximum points.

(c) A new construction, remodeling, or renovation project that has not received an appropriation in a previous year shall not be considered for inclusion on the prioritized list required by s. 1013.64(4), unless:

1.a. The project is needed to preserve the safety of persons using the facility or campus;

b. The project is consistent with a strategic legislative statutory initiative; or

c. The institution has allocated funding equal to a percentage of the total project cost. The percentage shall be no less than:

I. Six percent for preeminent universities;

II. Four percent for emerging preeminent universities; and

III. Two percent for state universities that are neither a
preeminent or emerging preeminent university;

2. A plan is provided to reserve funds in an escrow account, specific to the project, into which shall be deposited each year an amount of funds equal to 1 percent of the total value of the building for future maintenance;

3. There exists sufficient capacity within the cash and bonding estimate of funds by the Revenue Estimating Conference to accommodate the project within the 3-year Public Education Capital Outlay funding cycle; and

4. The project has been recommended pursuant to s. 1013.31.

(d) The board shall continually maintain a list of all public education capital outlay projects for which state funds were previously appropriated which have not been completed. The list shall include an estimate of the amount of state funding needed for the completion of each project.

(e) The board shall review its space need calculation methodology developed pursuant to s. 1013.31 to incorporate improvements, efficiencies, or changes. Recommendations shall be submitted to the chairs of the House of Representatives and Senate appropriations committees by October 31, 2019, and every 3 years thereafter.

Section 3. Section 1011.45, Florida Statutes, is amended to read:
1011.45 End of year balance of funds.—Unexpended amounts in any fund in a university current year operating budget shall be carried forward and included as the balance forward for that fund in the approved operating budget for the following year.

(1) Each university shall maintain a minimum carry forward balance of at least 7 percent of its state operating budget. If a university fails to maintain a 7 percent balance in state operating funds, the university shall submit a plan to the Board of Governors to attain the 7 percent balance of state operating funds within the next fiscal year.

(2) Each university that retains a state operating fund carry forward balance in excess of the 7 percent minimum shall submit a spending plan for its excess carry forward balance. The spending plan shall be submitted to the university's board of trustees for review, approval, or, if necessary, amendment by September 1, 2020, and each September 1 thereafter. The Board of Governors shall review, approve, and amend, as necessary, each university's carry forward spending plan by October 1, 2020, and each October 1 thereafter.

(3) A university's carry forward spending plan shall include the estimated cost per planned expenditure and a timeline for completion of the expenditure. Authorized expenditures in a carry forward spending plan may only include:

(a) Commitment of funds to a public education capital outlay project for which an appropriation has previously been
provided that requires additional funds for completion and which
is included in the list required by s. 1001.706(12)(d);

(b) Completion of a renovation, repair, or maintenance
project that is consistent with the provisions of s. 1013.64(1),
up to $5 million per project and replacement of a minor facility
that does not exceed 10,000 gross square feet in size up to $2
million;

(c) Completion of a remodeling or infrastructure project,
including a project for a development research school, up to $10
million per project, if such project is survey recommended
pursuant to s. 1013.31;

(d) Completion of a repair or replacement project
necessary due to damage caused by a natural disaster for
buildings included in the inventory required pursuant to s.
1013.31;

(e) Operating expenditures that support the university
mission and that are nonrecurring; and

(f) Any purpose specified in the General Appropriations
Act.

(4) Annually, by September 30, the chief financial officer
of each university shall certify the unexpended amount of funds
appropriated to the university from the General Revenue Fund,
the Educational Enhancement Trust Fund, and the
Education/General Student and Other Fees Trust Fund as of June
30 of the previous fiscal year.
(5) A university may spend the minimum carryforward balance of 7 percent if a demonstrated emergency exists and the plan is approved by the university's board of trustees and the Board of Governors.

Section 4. Section 1013.841, Florida Statutes, is created to read:

1013.841 End of year balance of Florida College System institution funds.—

(1) Unexpended amounts in any fund in any Florida College System institution current year state operating budget shall be carried forward and included as the balance forward for that fund in the approved operating budget for the following year.

(2)(a) Each Florida College System institution with a final FTE less than 15,000 for the prior year shall maintain a minimum carry forward balance of at least 5 percent of its state operating budget. If a Florida College System institution fails to maintain a 5 percent balance in state operating funds, the president shall provide written notification to the State Board of Education.

(b) Each Florida College System institution with a final FTE less than 15,000 for the prior year that retains a state operating fund carry forward balance in excess of the 5 percent minimum shall submit a spending plan for its excess carry forward balance. The spending plan shall include all excess carry forward funds from state operating funds. The spending
plan shall be submitted to the Florida College System institution's board of trustees for approval by September 1, 2020, and each September 1 thereafter. The State Board of Education shall review, approve, and amend, as necessary, each Florida College System institution's carry forward spending plan by October 1, 2020, and each October 1 thereafter.

(3)(a) Each Florida College System institution with a final FTE of 15,000 or greater for the prior year shall maintain a minimum carry forward balance of at least 7 percent of its state operating budget. If a Florida College System institution fails to maintain a 7 percent balance in state operating funds, the institution shall submit a plan to the State Board of Education to attain the minimum balance.

(b) Each Florida College System institution with a final FTE of 15,000 or greater for the prior year that retains a state operating fund carry forward balance in excess of the 7 percent minimum shall submit a spending plan for its excess carry forward balance. The spending plan shall include all excess carry forward funds from state operating funds. The spending plan shall be submitted to the Florida College System institution's board of trustees for approval by September 1, 2020, and each September 1 thereafter. The State Board of Education shall review, approve, and amend, as necessary, each Florida College System institution's carry forward spending plan by October 1, 2020, and each October 1 thereafter.
(4) A Florida College System institution identified in paragraph (3)(a) must include in its carry forward spending plan the estimated cost per planned expenditure and a timeline for completion of the expenditure. Authorized expenditures in a carry forward spending plan may include:

(a) Commitment of funds to a public education capital outlay project for which an appropriation was previously provided, which requires additional funds for completion, and which is included in the list required by s. 1001.03(18)(d);

(b) Completion of a renovation, repair, or maintenance project that is consistent with the provisions of s. 1013.64(1), up to $5 million per project;

(c) Completion of a remodeling or infrastructure project, up to $10 million per project, if such project is survey recommended pursuant to s. 1013.31;

(d) Completion of a repair or replacement project necessary due to damage caused by a natural disaster for buildings included in the inventory required pursuant to s. 1013.31;

(e) Operating expenditures that support the Florida College System institution’s mission which are nonrecurring; and

(f) Any purpose approved by the state board or specified in the General Appropriations Act.

Section 5. This act shall take effect July 1, 2019.
T I T L E  A M E N D M E N T

Remove everything before the enacting clause and insert:

A bill to be entitled
An act relating to higher education; amending s. 1001.03, F.S.; requiring the State Board of Education to develop and submit a specified list of certain capital outlay projects; providing requirements for such list; requiring the state board to review a specified methodology; amending s. 1001.706, F.S.; requiring the Board of Governors to develop and submit a specified list of certain capital outlay projects; providing requirements for such list; requiring the board to review a specified methodology; amending s. 1011.45, F.S.; requiring state universities to maintain certain carry forward balances of certain funds; providing requirements for state universities that fail to maintain such balances; requiring a state university with a carry forward balance in excess of a specified amount to submit a carry forward spending plan; providing requirements for such state universities and plans; requiring the chief financial officer of a state university to annually certify the amount of specified funds an institution has; creating s. 1013.841, F.S.; providing for certain Florida
College System institution funds to be included in the following year's approved operating budget as a carry forward balance; requiring Florida College System institutions to maintain certain carry forward balances of certain funds; providing requirements for Florida College System institutions that fail to maintain such balances; requiring a Florida College System institution with a carry forward balance in excess of a specified amount to submit a carry forward spending plan; providing requirements for Florida College System institutions and such plans; providing an effective date;