



549916

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: WD

.

03/13/2020 10:52 PM

.

.

Senator Stargel moved the following:

1 **Senate Amendment to Amendment (594317) (with title**
2 **amendment)**

3
4 Delete lines 955 - 1118

5 and insert:

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

8 (f) Any purpose specified by the board or in the General
9 Appropriations Act; and

10 (g) A commitment of funds to a contingency reserve for
11 expenses incurred as a result of a state of emergency declared



549916

12 by the Governor pursuant to s. 252.36.

13 Section 18. Subsection (4) of section 1011.90, Florida
14 Statutes, is amended to read:

15 1011.90 State university funding.—

16 (4) The Board of Governors shall establish and validate a
17 cost-estimating system consistent with the requirements of
18 subsection (1) and shall report as part of its legislative
19 budget request the actual expenditures for the fiscal year
20 ending the previous June 30. The legislative budget request must
21 also include 5-year trend information on the number of faculty
22 and administrators at each university and the proportion of FTE
23 dedicated to instruction and research compared to
24 administration. The Board of Governors, by regulation, shall
25 define faculty and administrator classifications and shall also
26 report the definitions in the legislative budget request.

27 Expenditure analysis, operating budgets, and annual financial
28 statements of each university must be prepared using the
29 standard financial reporting procedures and formats prescribed
30 by the Board of Governors. These formats shall be the same as
31 used for the 2000-2001 fiscal year reports. Any revisions to
32 these financial and reporting procedures and formats must be
33 approved by the Executive Office of the Governor and the
34 appropriations committees of the Legislature jointly under ~~the~~
35 ~~provisions of~~ s. 216.023(3). The Board of Governors shall
36 continue to collect and maintain at a minimum management
37 information existing on June 30, 2002. The expenditure analysis
38 report shall include total expenditures from all sources for the
39 general operation of the university and shall be in such detail
40 as needed to support the legislative budget request.



549916

41 Section 19. Section 1012.977, Florida Statutes, is created
42 to read:

43 1012.977 Disclosure of contracts that affect the integrity
44 of state universities or entities; penalties.-

45 (1) Any person employed by a state university or entity
46 engaging in research which was created or authorized pursuant to
47 part II of chapter 1004 consents to the policies of the
48 university or entity, the regulations of the Board of Governors,
49 and the laws of this state. At a minimum, such policies shall
50 require employees engaged in the design, conduct, or reporting
51 of research to disclose and receive a determination that the
52 outside activity or financial interest does not affect the
53 integrity of the state university or entity.

54 (2) (a) "Financial interest" includes anything of value
55 other than that provided directly by the university or entity.

56 (b) "Outside activity" includes anything an employee does
57 for an organization or an individual, other than the university
58 or entity, that is related to the employee's expertise.

59 (3) An employee who has failed to disclose any outside
60 activity or financial interest as required by subsection (1)
61 shall be suspended without pay pending the outcome of an
62 investigation which shall not exceed 60 days. Upon conclusion of
63 the investigation, the university or entity may terminate the
64 contract of the employee.

65 Section 20. Subsection (4) of section 1013.45, Florida
66 Statutes, is amended, and paragraph (f) is added to subsection
67 (1) of that section, to read:

68 1013.45 Educational facilities contracting and construction
69 techniques.-



549916

70 (1) Boards may employ procedures to contract for
71 construction of new facilities, or for additions, remodeling,
72 renovation, maintenance, or repairs to existing facilities, that
73 will include, but not be limited to:

74 (f) The consideration of other factors, including price,
75 for the procurement of construction management and program
76 management by university boards of trustees in accordance with
77 regulations of the Board of Governors for any project on which
78 full project plans and specifications have been prepared by a
79 design professional and included in the procurement document.

80 (4) Except as otherwise provided in this section and s.
81 481.229, the services of a registered architect must be used for
82 the development of plans for the erection, enlargement, or
83 alteration of any educational facility. The services of a
84 registered architect are not required for a minor renovation
85 project for which the construction cost is less than \$50,000 or
86 for the placement or hookup of relocatable educational
87 facilities that conform with standards adopted under s. 1013.37.
88 However, boards must provide compliance with building code
89 requirements and ensure that these structures are adequately
90 anchored for wind resistance as required by law. A district
91 school board shall reuse existing construction documents or
92 design criteria packages if such reuse is feasible and
93 practical. If a school district's 5-year educational facilities
94 work plan includes the construction of two or more new schools
95 for students in the same grade group and program, such as
96 elementary, middle, or high school, the district school board
97 shall require that prototype design and construction be used for
98 the construction of these schools. Notwithstanding s. 287.055, a



549916

99 board may purchase the architectural services for the design of
100 educational or ancillary facilities under an existing contract
101 agreement for professional services held by a district school
102 board in the State of Florida, provided that the purchase is to
103 the economic advantage of the purchasing board, the services
104 conform to the standards prescribed by rules of the State Board
105 of Education, and such reuse is not without notice to, and
106 permission from, the architect of record whose plans or design
107 criteria are being reused. Plans shall be reviewed for
108 compliance with the State Requirements for Educational
109 Facilities. Rules adopted under this section must establish
110 uniform prequalification, selection, bidding, and negotiation
111 procedures applicable to construction management contracts and
112 the design-build process. This section does not supersede any
113 small, woman-owned or minority-owned business enterprise
114 preference program adopted by a board. Except as otherwise
115 provided in this section, the ~~negotiation~~ procedures applicable
116 to construction management, program management, ~~contracts~~ and
117 the design-build process must conform to the requirements of s.
118 287.055. ~~A board may not modify any rules regarding construction~~
119 ~~management contracts or the design-build process.~~

120 Section 21. Paragraph (b) of subsection (2), paragraph (b)
121 of subsection (3), and subsection (4) of section 1013.841,
122 Florida Statutes, are amended to read:

123 1013.841 End of year balance of Florida College System
124 institution funds.—

125 (2)

126 (b) Each Florida College System institution with a final
127 FTE less than 15,000 for the prior year that retains a state



549916

128 operating fund carry forward balance in excess of the 5 percent
129 minimum shall submit a spending plan for its excess carry
130 forward balance. The spending plan shall include all excess
131 carry forward funds from state operating funds. The spending
132 plan shall be submitted to the Florida College System
133 institution's board of trustees for approval by September 30 ~~1~~,
134 2020, and each September 30 ~~1~~ thereafter. The State Board of
135 Education shall review and publish each Florida College System
136 institution's carry forward spending plan by November 15 ~~October~~
137 ~~1~~, 2020, and each November 15 ~~October 1~~ thereafter.

138 (3)

139 (b) Each Florida College System institution with a final
140 FTE of 15,000 or greater for the prior year that retains a state
141 operating fund carry forward balance in excess of the 7 percent
142 minimum shall submit a spending plan for its excess carry
143 forward balance. The spending plan shall include all excess
144 carry forward funds from state operating funds. The spending
145 plan shall be submitted to the Florida College System
146 institution's board of trustees for approval by September 30 ~~1~~,
147 2020, and each September 30 ~~1~~ thereafter. The State Board of
148 Education shall review and publish each Florida College System
149 institution's carry forward spending plan by November 15 ~~October~~
150 ~~1~~, 2020, and each November 15 ~~October 1~~ thereafter.

151 (4) A Florida College System institution identified in
152 paragraph (3)(b) ~~(3)(a)~~ must include in its carry forward
153 spending plan the estimated cost per planned expenditure and a
154 timeline for completion of the expenditure. Authorized
155 expenditures in a carry forward spending plan may include:

156 (a) Commitment of funds to a public education capital



549916

157 outlay project for which an appropriation was previously
158 provided, which requires additional funds for completion, and
159 which is included in the list required by s. 1001.03(18)(d);

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

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

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

169 (e) Operating expenditures that support the Florida College
170 System institution's mission ~~which are nonrecurring; and~~

171

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

173 And the title is amended as follows:

174 Delete line 1300

175 and insert:

176 professional services under specified conditions; requiring
177 certain procedures to