To be eligible to participate in the Community College Facility Enhancement Challenge Grant Program, a community college, through its direct-support organization, shall raise a contribution equal to one-half of the total cost of a facilities construction project from private sources which shall be matched by a state appropriation equal to the amount raised for a facilities construction project, subject to the General Appropriations Act.

If the state's share of the required match is insufficient to meet the requirements of subsection (6), the community college shall renegotiate the terms of the contribution with the donors. If the project is terminated, each private donation, plus accrued interest, reverts to the direct-support organization for remittance to the donor.

By September 1 of each year, the State Board of Education shall transmit to the Legislature a list of projects which meet all eligibility requirements to participate in the Community College Facility Enhancement Challenge Grant Program and a budget request which includes the recommended schedule necessary to complete each project.

In order for a project to be eligible under this program, it must be survey recommended under the provisions of s. 1013.31 and included in the community college's 5-year capital improvement plan, and it must receive approval from the State Board of Education or the Legislature.

A community college project may not be removed from the approved 3-year PECO priority list because of its successful participation in this program until approved by the Legislature and provided for in the General Appropriations Act. When such a project is completed and removed from the list, all other projects shall move up on the 3-year PECO priority list.

Any private matching funds for a project which are unexpended after the project is completed shall revert to the community college's direct-support organization capital facilities matching account. The balance of any unexpended state matching funds shall be returned to the fund from which those funds were appropriated.

The surveys, architectural plans, facility, and equipment shall be the property of the participating community college. A facility constructed under this section may be named in honor of a donor at the option of the community college district board of trustees. A facility may not be named after a living person without prior approval by the State Board of Education.

History.--s. 631, ch. 2002-387; s. 1, ch. 2007-61.

C. Universities: Preparation, Adoption, and Implementation of Budgets

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1011.52 Appropriation to first accredited medical school.

1011.40 Budgets for universities.--

(1) LEGISLATIVE BUDGET REQUEST.--The Board of Governors shall provide instructions, guidelines, and standard formats to be used by each university that will provide to the Board of Governors and the Legislature adequate information to support and justify the legislative budget requests submitted pursuant to ss. 216.023, 1011.90, and 1013.60 for each university.

(2) OPERATING BUDGET.--Each university board of trustees shall adopt an operating budget for the operation of the university as prescribed by law and rules of the Board of Governors. Each university president shall prepare and implement the operating budget of the university as prescribed by law, rules of the Board of Governors, policies of the university board of trustees, and provisions of the General Appropriations Act. The proposed expenditures, plus transfers, and balances shall not exceed the estimated income, transfers, and balances. The budget and each part thereof shall balance. If at any time the unencumbered balance in the education and general fund of the university board of trustees approved operating budget goes below 5 percent, the president shall provide written notification to the Board of Governors.

(3) EXPENDITURES.--Expenditures from any source of funds by any university shall not exceed the funds available. Expenditures shall not exceed the amount budgeted under each classification of accounts for each fund and the total amount of the budget, as amended as prescribed by rules of the Board of Governors. No expenditure of funds, contract, or agreement of any nature shall be made that requires additional appropriation of funds by the Legislature unless specifically authorized in advance by law or the General Appropriations Act.

(4) DISTRIBUTION OF APPROPRIATION.--Funds appropriated in the General Appropriations Act for the operation of state universities shall be distributed to the universities twice monthly. The Executive Office of the Governor may modify this schedule if required to meet specific needs of a university.

History.--s. 633, ch. 2002-387; s. 151, ch. 2007-217.

1011.41 University appropriations.--Funds for the general operations of universities shall be requested and appropriated as Aid to Local Governments Grants and Aids, subject to provisions of the General Appropriations Act. Funds provided to state universities in the General Appropriations Act are contingent upon each university complying with the tuition and fee policies established in the proviso language and with the tuition and fee policies for state universities included in part II of chapter 1009. However, the funds appropriated to a specific university shall not be affected by the failure of another university to comply with this provision.

History.--s. 634, ch. 2002-387; s. 152, ch. 2007-217.

1011.4106 Trust fund dissolution and local account appropriations.--
(1) Notwithstanding the provisions of ss. 215.3206(2) and 215.3208(2), and pursuant to s. 216.351, all unexpended balances as of June 30, 2002, in the following State University System trust funds are hereby appropriated to the appropriate accounts of each university based upon the original source of the trust fund revenue and any accrued interest: the Education/General Student and Other Fees Trust Fund, the Experiment Station Federal Grant Trust Fund, the Experiment Station Incidental Trust Fund, the Extension Service Federal Grant Trust Fund, the Extension Service Incidental Trust Fund, the Incidental Trust Fund, the UF Health Center Operations and Maintenance Trust Fund, the Operations and Maintenance Trust Fund, and all other trust funds in the State Treasury for universities. Expenditure of these funds by each university must be based on the laws, rules, grant agreements, or other legal controlling factors associated with all trust fund balances which are appropriated to local accounts pursuant to this section, and included in each university board of trustees approved operating budget. Each university shall be responsible for the payment of outstanding debts or obligations associated with these funds.

(2) Any appropriations provided in the General Appropriations Act from the Education/General Student and Other Fees Trust Fund are the only budget authority for the fiscal year to the named universities to expend tuition and out-of-state fees that are collected during the fiscal year and carried forward from the prior fiscal year. The expenditure of tuition and fee revenues from local accounts by each university shall not exceed the authority provided in the General Appropriations Act unless approved pursuant to the provisions of chapter 216. If a court of competent jurisdiction finds that the restriction in this subsection is invalid, the moneys described in this section shall be deposited in the State Treasury.


1011.411 Budgets for sponsored research at universities.--Funds for sponsored research at each university shall be budgeted and expended pursuant to ss. 1004.22 and 1011.42.

History.--s. 637, ch. 2002-387; s. 154, ch. 2007-217.

1011.42 University depositories; deposits into and withdrawals from depositories.--

(1) The board of trustees of each university shall designate the depositories in which any university funds may be deposited. No bank shall be designated unless it is a qualified depository as provided by Florida Statutes.

(2) All funds received by a university, from whatever source and for whatever purpose, shall promptly be deposited in a board of trustees approved qualified depository.

(3) The board of trustees shall require an accurate and complete set of accounts to be maintained in the books and records for each fund on deposit in each university depository. Each account shall show the amount subject to withdrawal, the amount deposited, the amount expended, and the balance of the account.

(4) The university may maintain a separate checking account for each fund or may utilize a single checking account for the deposit and withdrawal of moneys from all funds and segregate the various funds on the books and records only. No check or withdrawal shall be drawn in excess of the balance to the credit of the appropriate fund.

(5) Funds awaiting clearing may be invested in investments earning interest in a qualified depository, in the State Treasury, and in the State Board of Administration. Investments of university funds shall comply with the requirements of Florida Statutes for the investment of public funds by local government. Due diligence shall be exercised to assure that the highest available amount of earnings is obtained on investments.

(6) The university president or his or her designee, after having been specifically authorized by the
university board of trustees, may transfer funds from one depository to another, within a depository, to another institution, or from another institution to a depository for investment purposes and may transfer funds to pay expenses, expenditures, or other disbursements, evidenced by an invoice or other appropriate documentation.

(7) The university board of trustees shall specifically designate and spread upon the minutes of the board the legal name and position title of any university employee authorized to sign checks to pay legal obligations of the university.

History.--s. 638, ch. 2002-387; s. 3, ch. 2003-3; s. 155, ch. 2007-217.

1011.43 Investment of university agency and activity funds; earnings used for scholarships.--
Each university is authorized to invest available agency and activity funds and to use the earnings from such investments for student scholarships and loans. The university board of trustees shall provide procedures for the administration of these scholarships and loans by rules.

History.--s. 639, ch. 2002-387.

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.

History.--s. 640, ch. 2002-387.

1011.47 Auxiliary enterprises; contracts, grants, and donations.--As used in s. 19(f)(3), Art. III of the State Constitution, the term:

(1) “Auxiliary enterprises” includes activities that directly or indirectly provide a product or a service, or both, to a university or its students, faculty, or staff and for which a charge is made. These auxiliary enterprises are business activities of a university which require no support from the General Revenue Fund, and include activities such as housing, bookstores, student health services, continuing education programs, food services, college stores, operation of vending machines, specialty shops, day care centers, golf courses, student activities programs, data center operations, and intercollegiate athletics programs.

(2) “Contracts, grants, and donations” includes noneducational and general funding sources in support of research, public services, and training. The term includes grants and donations, sponsored-research contracts, and Department of Education funding for lab schools and other activities for which the funds are deposited outside the State Treasury.

History.--s. 641, ch. 2002-387; s. 66, ch. 2004-41.

1011.48 Establishment of educational research centers for child development.--

(1) Upon approval of the university president, the student government association of any state university may establish an educational research center for child development in accordance with the provisions of this section. Each such center shall be a child day care center established to provide care for the children of students, both graduate and undergraduate, faculty, and other staff and employees of the university and to provide an opportunity for interested schools or departments of the university to conduct educational research programs and establish internship programs within such centers. Whenever possible, such center shall be located on the campus of the university. There shall be a director of each center, selected by the board of directors of the center.

(2) There shall be a board of directors for each educational research center for child development,
consisting of the president of the university or his or her designee, the student government president or his or her designee, the chair of each department participating in the center or his or her designee, and one parent for each 50 children enrolled in the center, elected by the parents of children enrolled in the center. The director of the center shall be an ex officio, nonvoting member of the board. The board shall establish local policies and perform local oversight and operational guidance for the center.

(3) Each center is authorized to charge fees for the care and services it provides. Such fees must be approved by the Board of Governors and may be imposed on a sliding scale based on ability to pay or any other factors deemed relevant by the board.

(4) The Board of Governors may adopt rules for the establishment, operation, and supervision of educational research centers for child development. Such rules shall include, but need not be limited to: a defined method of establishment of and participation in the operation of centers by the appropriate student government associations; guidelines for the establishment of an intern program in each center; and guidelines for the receipt and monitoring of funds from grants and other sources of funds consistent with existing laws.

(5) Each educational research center for child development shall be funded by a portion of the Capital Improvement Trust Fund fee established by the Board of Governors pursuant to s. 1009.24 (8). Each university that establishes a center shall receive a portion of such fees collected from the students enrolled at that university, usable only at that university, equal to 22.5 cents per student per credit hour taken per term, based on the summer term and fall and spring semesters. This allocation shall be used by the university only for the establishment and operation of a center as provided by this section and rules adopted hereunder. Said allocation may be made only after all bond obligations required to be paid from such fees have been met.


1011.49 Assent to Smith-Lever Act; university board of trustees authorized to receive grants.--The Legislature, in behalf of and for the state, assents to, and gives its assent to, the provisions and requirements of the Act of Congress commonly known as the "Smith-Lever Act," and all acts supplemental thereto, and the University of Florida Board of Trustees, having supervision over and control of the University of Florida, located at Gainesville, may receive the grants of money appropriated under said Act of Congress and organize and conduct agricultural and home economics extension work, which shall be carried on in connection with the University of Florida Institute of Food and Agricultural Sciences, in accordance with the terms and conditions expressed in said Act of Congress.

History.--s. 643, ch. 2002-387.

1011.50 Agricultural experiment stations; assent to Act of Congress; federal appropriation.--The objects and purposes contained in the Act of Congress entitled "An Act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof" are assented to; and the Board of Trustees of the University of Florida is authorized to accept and receive the annual appropriations for the use and benefit of the agricultural experiment station fund of the Institute of Food and Agricultural Sciences of the University of Florida, located at Gainesville, upon the terms and conditions contained in said Act of Congress.

History.--s. 644, ch. 2002-387.

1011.501 Assent to ss. 1444 and 1445 of the Food and Agriculture Act of 1977; board of trustees authorized to receive grants, etc.--The assent of Legislature is given to the provisions and requirements of ss. 1444 and 1445 of the Act of Congress commonly known as the "Food and Agriculture Act of 1977" and all acts supplemental thereto. The Board of Trustees of the Florida Agricultural and Mechanical University may receive grants of money appropriated under said
sections of said act and may organize and conduct agricultural extension work and conduct
agricultural research, which shall be carried on in connection with the College of Engineering
Sciences, Technology and Agriculture of said Florida Agricultural and Mechanical University, in
accordance with the terms and conditions expressed in the Act of Congress aforesaid.

History.--s. 645, ch. 2002-387.

1011.51 Independent postsecondary endowment grants.--

(1) The Legislature finds and declares that accredited baccalaureate-degree-granting independent
nonprofit colleges and universities are an integral part of the higher education system in this state;
that significant numbers of persons choose to utilize these institutions for obtaining higher
education; that the burdens on public colleges and universities are lessened because of the
students that choose to utilize these institutions for their higher education; that having a strong
system of baccalaureate-degree-granting independent nonprofit colleges and universities will
improve the educational, economic, and social well-being of the state; and that creation of a state
program to provide matching endowment grants will improve the academic excellence of these
institutions and enhance educational opportunities for Florida citizens, furthering the improvement
of the overall educational system in the state.

(2) There is established the Florida Postsecondary Endowment Grants Program to be administered
by the Department of Education. The program shall provide matching endowment grants to
independent nonprofit colleges and universities in Florida that meet the requirements of this
section. The Legislature shall designate funds for the program to be transferred to the Grants and
Donations Trust Fund from available sources. All funds transferred to the trust fund, or retained in
the trust fund, shall be invested in accordance with the provisions of chapter 215. Notwithstanding
the provisions of s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the
trust fund for the program and income from investments and interest related thereto shall remain
in the trust fund and shall increase the total funds available for such matching endowment grants.

(3) The matching endowment grants made available under this section shall be made available to
any independent nonprofit college or university which:

(a) Is located in and chartered by the state.

(b) Is accredited by the Commission on Colleges of the Southern Association of Colleges and
Schools.

(c) Grants baccalaureate degrees.

(d) Is not a state university or community college.

(e) Has a secular purpose, so long as the receipt of state aid by students at the institution would
not have the primary effect of advancing or impeding religion or result in an excessive
entanglement between the state and any religious sect.

(4)(a) The amounts appropriated for the program shall be allocated by the Department of
Education to each independent nonprofit college or university that meets the criteria of subsection
(3) in the following manner:

1. Each such college or university that raises an endowment contribution of at least $50,000, but
no more than $75,000, from private sources shall receive a matching endowment grant equal to 70
percent of the private contribution.

2. Each such college or university that raises an endowment contribution in excess of $75,000, but
no more than $100,000, from private sources shall receive a matching endowment grant equal to 75 percent of the private contribution.

3. Each such college or university that raises an endowment contribution in excess of $100,000, but no more than $125,000, from private sources shall receive a matching endowment grant equal to 80 percent of the private contribution.

4. Each such college or university that raises an endowment contribution in excess of $125,000 from private sources shall receive a matching endowment grant equal to 100 percent of the private contribution.

(b) The private sources may include combined contributions for a common purpose, but shall not include separate unrelated contributions. The state endowment matching grant shall be disbursed to the independent nonprofit college or university upon certification by the college or university that it has received and deposited the proportionate amount specified in this subsection.

(c) Contributions may also be eligible for matching if there is a commitment to make a donation of $125,000, and an initial payment of $25,000 is accompanied by a written pledge to provide the balance within 4 years after the date of such initial payment. Payments on the balance must be at least $25,000 per year and shall be made on or before the anniversary date of the initial payment. No matching endowment grant shall be disbursed prior to collection of the total pledged contribution from the private source, but a pledged contribution shall encumber the matching endowment grant for that independent nonprofit college or university.

(5)(a) By July 1 of each year, each independent nonprofit college or university that desires to participate in the program shall certify to the department its eligibility. The department, upon receipt and acceptance of such certifications, shall reserve an equal amount of the additional funds for the program transferred to the Grants and Donations Trust Fund for that fiscal year for each independent nonprofit college or university that is eligible to participate. An eligible independent nonprofit college or university shall have 3 fiscal years within which to encumber its share of trust funds reserved during the first 3 fiscal years. After the third fiscal year, if any independent nonprofit college or university does not fully utilize or encumber its share of reserved trust funds for any single fiscal year, such reserved funds shall be available in subsequent fiscal years for the purposes of this program.

(b) Each eligible institution shall certify to the department its contributions for the year ending June 30, 1989. Only the qualified new contributions above the certified base shall be calculated for the purpose of allocating grants during the first 3 years of the program. In subsequent years, only the qualified new contributions above the certified prior year base shall be calculated for the purpose of allocating such grants.

(6) Matching endowment grants made pursuant to this section to a qualified independent nonprofit college or university shall be placed in a separate restricted endowment by such institution. The interest or other income accruing from the endowment shall be expended exclusively for professorships, library resources, scientific and technical equipment, and nonathletic scholarships. Moreover, the funds in the endowment shall not be used for pervasively sectarian instruction, religious worship, or theology or divinity programs or resources. The records of the endowment shall be subject to review by the department and audit or examination by the Auditor General and the Office of Program Policy Analysis and Government Accountability. If any institution receiving a matching endowment grant pursuant to this section ceases operations and undergoes dissolution proceedings, then all funds received pursuant to this section from the state shall be returned.

(7) The State Board of Education shall adopt rules necessary to implement this section.

(8) This section shall be implemented to the extent specifically funded and authorized by law.
1011.52 Appropriation to first accredited medical school.--

(1) Subject to the provisions hereinafter set forth, the Legislature shall provide an annual appropriation to the first accredited medical school. Payments of moneys from such appropriation shall be made semiannually at the beginning of the first and third quarters.

(2) In order for a medical school to qualify under the provisions of this section and to be entitled to the benefits herein, such medical school:

(a) Must be primarily operated and established to offer, afford, and render a medical education to residents of the state qualifying for admission to such institution;

(b) Must be operated by a municipality or county of this state, or by a nonprofit organization heretofore or hereafter established exclusively for educational purposes;

(c) Must, upon the formation and establishment of an accredited medical school, transmit and file with the Department of Education documentary proof evidencing the facts that such institution has been certified and approved by the council on medical education and hospitals of the American Medical Association and has adequately met the requirements of that council in regard to its administrative facilities, administrative plant, clinical facilities, curriculum, and all other such requirements as may be necessary to qualify with the council as a recognized, approved, and accredited medical school;

(d) Must certify to the Department of Education the name, address, and educational history of each student approved and accepted for enrollment in such institution for the ensuing school year; and

(e) Must enter into an annual operating agreement each fiscal year with a government-owned hospital that is located in the same county as the medical school and that is a statutory teaching hospital as defined in s. 408.07(45). The annual operating agreement shall provide for the medical school to maintain the same level of affiliation with the hospital, including the level of services to indigent and charity care patients served by the hospital, which was in place in the prior fiscal year. Documentation of the operating agreement shall be submitted to the Department of Education prior to the payment of moneys from the annual appropriation.

(3) The Department of Education shall, within 60 days of the receipt of the student enrollment of the medical school, pay to the school, each year, the amount appropriated for students accepted and approved for enrollment in such medical institution, provided each medical student is a legal resident of the state or, if the student is not of legal age, his or her parents or legal guardian are residents of the state at the time of the student's acceptance and approval as a medical student. In the event a student resigns or is dismissed from such medical institution for any reason whatsoever before the end of a school year, then the medical institution shall, within 30 days from such dismissal or resignation, remit to the state, through the Department of Education, a pro rata amount of the sum before paid by the state to the medical institution, which amount is to be computed by dividing the total number of days in the school year into the sum paid for that student and multiplying the result by the total number of days remaining in such school year after such resignation or dismissal.

(4) Such institution is prohibited from expending any of the sums received under the terms of this section for any purposes whatsoever, except for the operation and maintenance of a medical school and for medical research. The institution is further prohibited from expending any sums received under the terms of this section for the construction or erection of any buildings of any kind, nature, or description or for the maintenance and operation of a hospital in any form or manner whatsoever.