

1 A bill to be entitled
2 An act relating to higher education; amending s.
3 1001.706, F.S.; revising requirements for certain
4 funds held in an escrow account relating to certain
5 capital outlay projects; creating s. 1004.342, F.S.;
6 providing definitions; transferring specified assets
7 and liabilities from the University of South Florida
8 Sarasota/Manatee to New College of Florida by
9 specified dates; requiring New College of Florida to
10 provide a specified monthly payment to the University
11 of South Florida until such transfer is complete;
12 requiring such transfer to be in a written joint
13 transfer agreement; providing requirements for such
14 agreement and the transfer of such assets and
15 liabilities; requiring a facility use agreement
16 between the University of South Florida
17 Sarasota/Manatee and New College of Florida; providing
18 requirements for such agreement; providing
19 construction; providing applicability; providing
20 specified immunity from liability; providing for
21 future repeal; amending s. 1004.344, F.S.; removing
22 the requirement for the Florida Center for the
23 Partnerships for Arts Integrated Teaching to be
24 physically housed at the University of South Florida
25 Sarasota/Manatee; amending s. 1009.24, F.S.; revising

26 | programs for which the Board of Governors may
27 | establish tuition; authorizing state university boards
28 | of trustees to establish out-of-state fees for
29 | nonresident students; removing a provision requiring
30 | that adjustments to certain out-of-state fees not
31 | exceed a certain amount; removing a provision
32 | requiring certain actions to be taken by a state
33 | university in accordance with Board of Governors
34 | regulations; removing a requirement for a block
35 | tuition policy for nonresident undergraduate students;
36 | repealing sections 5, 7, and 9 of chapter 2025-199,
37 | Laws of Florida, relating to the future repeal of
38 | amendments to ss. 1011.45, 1009.26, and 1004.89, F.S.;
39 | amending s. 1011.45, F.S.; removing an obsolete date;
40 | amending s. 1011.90, F.S.; authorizing state funds to
41 | be used to support specified requirements in state and
42 | federal law; amending s. 1013.01, F.S.; revising the
43 | definition of the term "educational facilities";
44 | providing an effective date.

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46 | Be It Enacted by the Legislature of the State of Florida:

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49 | **Section 1. Paragraph (c) of subsection (12) of section**
50 | **1001.706, Florida Statutes, is amended 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.

(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 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;

2. 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

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

Section 2. Section 1004.342, Florida Statutes, is created to read:

1004.342 Efficient use of state university system assets in Manatee and Sarasota Counties.—

76 (1) DEFINITIONS.—As used in this section and in its
77 applicability in contracts, leases, and other written
78 instruments involved in implementing this section:

79 (a) The following terms have the same meaning and should
80 be interpreted and used interchangeably:

81 1. "University of South Florida Sarasota/Manatee."

82 2. "University of South Florida Sarasota-Manatee."

83 3. "USF Sarasota/Manatee."

84 4. "USF Sarasota-Manatee."

85 (b) The term "New College" means New College of Florida.

86 (c) The term "USF" means the University of South Florida.

87 (2) TRANSFER OF ASSETS AND LIABILITIES BETWEEN STATE
88 UNIVERSITY INSTITUTIONS AND CAMPUSES.—

89 (a) The board of trustees of New College of Florida shall,
90 as soon as reasonably practical, but no later than October 30,
91 2026, complete all steps necessary or appropriate to assume,
92 legally and financially, the full liability for any outstanding
93 debt for any facilities constructed upon the properties that
94 encompass the University of South Florida Sarasota/Manatee
95 campus, including, but not limited to, any fees and costs
96 associated with transferring, satisfying, retiring, defeasing,
97 or repaying such debt obligations. The facilities contemplated
98 in this paragraph include, but are not limited to, any
99 dormitories or other campus facilities that were financed in
100 whole or in part with debt payable by the board of trustees of

101 the University of South Florida or the University of South
102 Florida Financing Corporation and for which a balance of that
103 debt remains outstanding on July 1, 2026.

104 (b) Until such time as New College of Florida completes
105 the obligations listed in paragraph (a), New College of Florida
106 shall transfer to the University of South Florida monthly a
107 payment equal to the outstanding debt service on the facilities
108 contemplated in this section, which shall be \$166,617 per month.
109 All payments described in this section shall be paid from
110 sources available to New College of Florida and may not be paid
111 or funded from the University of South Florida or the University
112 of South Florida Sarasota/Manatee sources. The failure of New
113 College of Florida to transfer the amounts described in this
114 section shall invalidate the transfer of facilities, and such
115 facilities shall revert to the University of South Florida.

116 (c) Subject to the requirements of paragraphs (b) and (d),
117 all real property encompassing the University of South Florida
118 Sarasota/Manatee campus, and any existing contracts, leases,
119 obligations, responsibilities, and liabilities of the board of
120 trustees of the University of South Florida which are
121 principally associated with such real property or any facilities
122 constructed upon those parcels, must be transferred to the board
123 of trustees of New College of Florida by July 1, 2026. New
124 College of Florida shall be solely responsible for all costs of
125 operating, repairing, replacing, renovating, and maintaining the

126 facilities contemplated in this section as of the date of
127 transfer.

128 (d)1. The determination of the specific assets and
129 liabilities to be transferred under this section must be made in
130 a written joint transfer agreement, including the facility use
131 agreement required by subsection (3), between the board of
132 trustees of the University of South Florida and the board of
133 trustees of New College of Florida by July 1, 2026. The boards
134 of trustees must jointly submit the signed agreements to the
135 Board of Governors. When determining the specific assets and
136 liabilities to be transferred between institutions, the board of
137 trustees of each institution must adhere to the following
138 guiding principles:

139 a. Any academic, administrative, or residential buildings
140 and other assets that are reasonably considered permanent and
141 immovable from the existing University of South Florida
142 Sarasota/Manatee campus parcels, including general educational
143 and classroom furnishings and fixtures located therein, shall be
144 transferred to the board of trustees of New College of Florida
145 for the future use of New College of Florida students and
146 faculty.

147 b. Any intellectual property, intangible property,
148 educational and research equipment that is not permanently
149 affixed to the facilities, computers and other equipment
150 previously assigned to personnel remaining in employment with

151 the University of South Florida, records, and any institutional
152 insignia or items that have historical significance to the
153 University of South Florida which are not specifically
154 associated with the parcels of land or facilities that will be
155 transferred shall remain the property of the board of trustees
156 of the University of South Florida.

157 c. Contracts for the lease of a temporary residence on the
158 University of South Florida Sarasota/Manatee campus between the
159 University of South Florida and a student, or an individual
160 acting on the student's behalf, which are in place before the
161 transfer of ownership of a residential facility on that campus
162 must be:

163 I. Transferred from the University of South Florida to New
164 College of Florida.

165 II. Fully honored in terms, duration, and price by the
166 board of trustees of New College of Florida until at least
167 August 15, 2027, unless the student or lessee voluntarily opts
168 to vacate the residential contract before its expiration date, in
169 which case New College of Florida must allow the lessee to go
170 free of any cancellation fee or remaining rental charge.

171 2. In the event of a dispute on the transfer of any
172 specific assets and liabilities required by this section before
173 July 1, 2026, the boards must jointly notify the Board of
174 Governors of the remaining points of disagreement. The Board of
175 Governors, by majority vote, must resolve any remaining disputed

176 issues and terms and order the specific transfers no later than
177 September 30, 2026. When determining and ordering any disputed
178 transfers, the Board of Governors must adhere to the guiding
179 principles in subparagraph 1.

180 (3) FACILITY USE AGREEMENT.—

181 (a) A University of South Florida student who was admitted
182 to the university before July 1, 2026, and who remains
183 continuously enrolled must receive the highest priority for the
184 use of space for classroom instruction and associated
185 educational needs in any transferred property or facility until
186 the student has been provided the opportunity to graduate from
187 the University of South Florida within a reasonable period of
188 time, not to exceed 4 full academic years after the date of the
189 student's initial enrollment, as determined by the board of
190 trustees of the University of South Florida.

191 (b) The board of trustees of New College of Florida must
192 enter into a facility use agreement with the board of trustees
193 of the University of South Florida which makes available, free
194 of any charge to the University of South Florida, sufficient
195 academic and student support space in the transferred properties
196 or facilities so that a University of South Florida student who
197 was admitted to the university before July 1, 2026, has the
198 reasonable opportunity to complete his or her University of
199 South Florida degree programs on his or her local campus and to
200 ensure that New College of Florida students, faculty, and staff

201 have access to the educational and administrative space, when
202 feasible, during and throughout the University of South Florida
203 teach-out process.

204 (c) The University of South Florida may not allow a newly
205 enrolled student whose initial offer of admission to the
206 university came after July 1, 2026, to designate the University
207 of South Florida Sarasota/Manatee campus as the student's home
208 campus of the University of South Florida.

209 (d) This subsection does not prohibit the University of
210 South Florida and New College of Florida from jointly entering
211 into any other mutual agreement to share or use space in any of
212 the transferred properties or facilities when it is in the best
213 interest of both institutions or the students thereof.

214 (4) IMMUNITY FROM LIABILITY.—The board of trustees of the
215 University of South Florida and the board of trustees of New
216 College of Florida, and their respective officers, trustees,
217 employees, attorneys, and agents, are immune from any and all
218 civil liability pertaining to or arising from compliance with
219 this section, including the transfers required by, or those made
220 as a direct result of, this section.

221 (5) REPEAL.—This section is repealed July 1, 2028, but
222 after that date the asset transfers required by this section
223 shall not be impacted solely by the repeal of this section.

224 **Section 3. Subsection (1) of section 1004.344, Florida**
225 **Statutes, is amended to read:**

226 1004.344 The Florida Center for the Partnerships for Arts
227 Integrated Teaching.—

228 (1) The Florida Center for the Partnerships for Arts
229 Integrated Teaching is created within the University of South
230 Florida ~~and shall be physically headquartered at the University~~
231 ~~of South Florida Sarasota/Manatee.~~

232 **Section 4. Subsections (4) and (5), paragraph (c) of**
233 **subsection (8), and paragraph (a) of subsection (15) of section**
234 **1009.24, Florida Statutes, are amended to read:**

235 1009.24 State university student fees.—

236 (4)(a) Effective July 1, 2014, the resident undergraduate
237 tuition for lower-level and upper-level coursework shall be
238 \$105.07 per credit hour.

239 (b) The Board of Governors may establish tuition for
240 graduate and professional programs.

241 (c) Each university board of trustees may establish and
242 out-of-state fees for nonresident students all programs. Except
243 as otherwise provided in this section, the sum of tuition and
244 out-of-state fees assessed to nonresident students must be
245 sufficient to offset the full instructional cost of serving such
246 students.

247 (d) However, Adjustments to ~~out-of-state fees or~~ tuition
248 for graduate programs and professional programs may not exceed
249 15 percent in any year.

250 (e)(e) The Board of Governors may consider and approve

flexible tuition policies as requested by a university board of trustees in accordance with subsection (15) only to the extent such policies are in alignment with the mission of the university and do not increase the state's fiscal liability or obligations, including, but not limited to, any fiscal liability or obligation for programs authorized under ss. 1009.53-1009.538 and ss. 1009.97-1009.984.

(f)~~(d)~~ The sum of the activity and service, health, and athletic fees a student is required to pay to register for a course may not exceed 40 percent of the tuition established in law or in the General Appropriations Act. No university shall be required to lower any fee in effect on the effective date of this act in order to comply with this subsection. Within the 40 percent cap, universities may not increase the aggregate sum of activity and service, health, and athletic fees more than 5 percent per year unless specifically authorized in law or in the General Appropriations Act. A university may increase its athletic fee to defray the costs associated with changing National Collegiate Athletic Association divisions. Any such increase in the athletic fee may exceed both the 40 percent cap and the 5 percent cap imposed by this subsection. Any such increase must be approved by the athletic fee committee in the process outlined in subsection (12) and may not exceed \$2 per credit hour. Notwithstanding ss. 1009.534, 1009.535, and 1009.536, that portion of any increase in an athletic fee

pursuant to this subsection which causes the sum of the activity and service, health, and athletic fees to exceed the 40 percent cap or the annual increase in such fees to exceed the 5 percent cap may not be included in calculating the amount a student receives for a Florida Academic Scholars award, a Florida Medallion Scholars award, or a Florida Gold Seal Vocational Scholars award. Notwithstanding this paragraph and subject to approval by the board of trustees, each state university may exceed the 5-percent cap on the annual increase to the aggregate sum of activity and service, health, and athletic fees for the 2010-2011 fiscal year. Any such increase may not exceed 15 percent or the amount required to reach the 2009-2010 fiscal year statewide average for the aggregate sum of activity and service, health, and athletic fees at the main campuses, whichever is greater. The aggregate sum of the activity and service, health, and athletic fees may not exceed 40 percent of tuition. Any increase in the activity and service fee, health fee, or athletic fee must be approved by the appropriate fee committee pursuant to subsection (10), subsection (11), or subsection (12).

(g)~~(e)~~ This subsection does not prohibit a university from increasing or assessing optional fees related to specific activities if payment of such fees is not required as a part of registration for courses.

(5) A university may implement a differential out-of-state

301 ~~fee in accordance with regulations developed by the Board of~~
302 ~~Governors~~ for the following:

303 (a) A student from another state that borders the service
304 area of the university.

305 (b) A graduate student who has been determined to be a
306 nonresident for tuition purposes pursuant to s. 1009.21 and has
307 a .25 full-time equivalent appointment or greater as a graduate
308 assistant, graduate research assistant, graduate teaching
309 assistant, graduate research associate, or graduate teaching
310 associate.

311 (c) A graduate student who has been determined to be a
312 nonresident for tuition purposes pursuant to s. 1009.21 and is
313 receiving a full fellowship.

314 (8)

315 (c) The fee may not exceed 10 percent of the tuition for
316 resident students ~~or 10 percent of the sum of tuition and out-~~
317 ~~of-state fees for nonresident students.~~ The fee for resident
318 students shall be limited to an increase of \$2 per credit hour
319 over the prior year. The Capital Improvement Trust Fund fee may
320 be used to fund any project or real property acquisition that
321 meets the requirements of chapter 1013. The Division of Bond
322 Finance of the State Board of Administration shall analyze any
323 proposed reductions to the Capital Improvement Trust Fund fee to
324 ensure consistency with prudent financial management of the bond
325 program associated with the revenues from the fee. The Board of

Governors shall approve any proposed fee reductions provided that no such reduction reduces the fee below the level established in paragraph (a).

(15) (a) The Board of Governors may approve:

1. A proposal from a university board of trustees to establish a new student fee that is not specifically authorized by this section.

2. A proposal from a university board of trustees to increase the current cap for an existing fee authorized pursuant to paragraphs (14) (a)-(g).

3. A proposal from a university board of trustees to implement flexible tuition policies, such as undergraduate or graduate block tuition, block tuition differential, or market tuition rates for graduate-level online courses or graduate-level courses offered through a university's continuing education program. A block tuition policy for resident undergraduate students or undergraduate-level courses shall be based on the per-credit-hour undergraduate tuition established under subsection (4). ~~A block tuition policy for nonresident undergraduate students shall be based on the per-credit-hour undergraduate tuition and out-of-state fee established under subsection (4).~~ Flexible tuition policies, including block tuition, may not increase the state's fiscal liability or obligation.

Section 5. Sections 5, 7, and 9 of chapter 2025-199, Laws

of Florida, are repealed.

Section 6. Subsection (3) of 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.

(3) A university's carry forward spending plan must include the estimated cost per planned expenditure and a timeline for completion of the expenditure. A carry forward spending plan may include retention of the carry forward balance as a reserve fund to be used for authorized expenses in subsequent years. For any annual reserve balance in excess of the 7 percent minimum carry forward balance pursuant to subsection (1), the authorized expenditures in a carry forward spending plan must include a commitment of 12 percent of the university's prior ~~2025-2026~~ fiscal year state operating fund carry forward balance to fund a public education capital outlay project for which an appropriation has previously been provided which requires additional funds for completion and which is included in the list required by s. 1001.706(12)(d) or for deferred building maintenance expenses. The carry forward spending plan must identify the specific public education capital outlay project and the amount the university will contribute toward the fixed capital outlay project pursuant to

s. 1001.706(12) (d) or specific deferred maintenance project.
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 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 s. 1013.64(1) or replacement of
a minor facility;

(c) Completion of a remodeling or infrastructure project,
including a project for a developmental research school, 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's
mission;

(f) Any purpose specified by the board or in the General
Appropriations Act, including the requirements in s.
1001.706(12) (c) or similar requirements pursuant to Board of
Governors regulations;

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

by the Governor pursuant to s. 252.36; and

(h) Deferred building maintenance expenses for the maintenance, repair, and renovation of projects to improve the health and safety of such facilities.

Section 7. Subsection (8) is added to section 1011.90, Florida Statutes, to read:

1011.90 State university funding.—

(8) State funds may be used in support of the requirements of Title IX of the Education Amendments of 1972 and s. 1006.71, including fixed capital outlay, scholarships, administration, recruitment, comparable coaching, and other related costs.

Section 8. Subsection (6) of section 1013.01, Florida Statutes, is amended to read:

1013.01 Definitions.—The following terms shall be defined as follows for the purpose of this chapter:

(6) "Educational facilities" means the buildings and equipment, structures, and special educational and research use areas that are built, installed, or established to serve primarily the educational purposes and secondarily the social and recreational purposes of the community and which may lawfully be used as authorized by the Florida Statutes and approved by boards.

Section 9. This act shall take effect upon becoming a law.