AGENDA

THE UNIVERSITY OF WEST FLORIDA
BOARD OF TRUSTEES

Finance & Facilities Committee Meeting
August 13, 2015

University of West Florida Conference Center, Bldg. 22
11000 University Parkway, Pensacola, FL 32514

Call to Order/Roll Call. ................................................................. Mort O’Sullivan, Chair

Chair’s Greeting. ................................................................. Mort O’Sullivan

Action Item(s):
  1. Approval of Authorization to Sign Checks
  2. Promulgation of UWF/REG-6.005 Statement of Intent
  3. Repeal of UWF/REG-6.0059 Purchases of Motor Vehicles

Informational Item(s):
  1. Energy Savings Performance Contract Project
  2. University Efficiencies
  3. Florida Sales Tax Exemption on College Textbooks
  4. ERCCD Update

Other Committee Business:

Adjournment
Issue: Authorization to Sign Checks

Proposed action: Approval

Background information:
Section 1011.42(7), Florida Statutes, University depositories; deposits into and withdrawals from depositories, states in relevant part:

(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.

Current authorized check signers are as follows:
- Judith A. Bense, President
- Colleen M. Asmus, Associate Vice President for Finance/Controller
- Doyle C. Pitts, Assistant Controller

Dr. Steven D. Cunningham, incoming Vice President, Division of Business, Finance, and Facilities, will be added as an authorized check signer, and Jeffrey A. Djerlek, Associate Controller, will replace Doyle C. Pitts, who is retiring.

Recommendation: Approval and authorization of specified officers and employees of the university to sign checks by adopting the following resolution effective September 1, 2015:

BE IT RESOLVED THAT, the following officers and employees of the University are authorized to sign checks for the purpose of paying legal obligations of the University from accounts held at Coastal Bank and Trust, P.O. Box 12966, Pensacola, Florida 32591 as long as the expenditures are authorized by all applicable University policies and State Regulations:
- Judith A. Bense, President
- Steven D. Cunningham, Vice President, Division of Business, Finance, and Facilities
- Colleen M. Asmus, Associate Vice President for Finance/Controller
- Jeffrey A. Djerlek, Associate Controller

Implementation Plan: None

Fiscal Implications: Fiscal oversight by the UWF Board of Trustees for the University of West Florida

Supporting documents: None

Prepared by: Colleen M. Asmus, Associate Vice President for Finance/Controller, 850 474 2642, casmus@uwf.edu

Facilitator/Presenter: Colleen M. Asmus, Associate Vice President for Finance/Controller
UWF Board of Trustees Meeting
Finance and Facilities Committee
August 13, 2015

Issue: Promulgation of UWF/REG-6.005 Statement of Intent

Proposed action: Approve amendment in form attached of UWF/REG-6.005 Statement of Intent.

Background information:
The proposed regulation amendment updates the title of the responsible office.

Regulation Amendment Procedural History:
The notice of promulgation of UWF/REG 6.005 was posted to the BOT website on July 29, 2015 and comments were invited. The notice was also published in the July 29, 2015 edition of @UWF and comment was invited. No comments have been received as of the date hereof. The required 30 day notice period for the proposed regulation ends on August 28, 2015.

Recommendation:
Approve amendment of UWF/REG-6.005 Statement of Intent as set forth in the supporting documentation.

Implementation Plan:
Effective immediately upon BOT action.

Fiscal Implications:
None.

Supporting documents:
- BOG Regulation 18.001
- UWF/REG 6.005 Statement of Intent Notice with Proposed Regulation Amendment

Prepared by: James H. Felder, Associate General Counsel, Office of the General Counsel, jfelder@uwf.edu, 850/474-3420.

Facilitator/Presenter: Angela Jones, Director of Procurement & Contracts
UNIVERSITY OF WEST FLORIDA
NOTICE OF PROPOSED REGULATION AMENDMENT

REGULATION TITLE: UWF/REG 6.005 Statement of Intent

SUMMARY: This regulation is being amended to update the title of the responsible office.

AUTHORITY: FBOG Regulations 18.001.

NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REPEAL OF REGULATION:
Angela Jones, Director of Procurement & Contracts

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: James Felder, Associate General Counsel, jfelder@uwf.edu, Phone (850) 474-3420; FAX (850) 857-6058; Bld. 10/Rm 114; 11000 University Parkway; Pensacola, FL 32514-5750. Any comments regarding the proposed regulation amendment must be sent in writing to the contact person on or before, August 12, 2015 to receive full consideration.

THE DATE THIS NOTICE WAS POSTED ON THE UWF BOARD OF TRUSTEES WEBSITE: July 29, 2015.

THE DATE THIS NOTICE WAS PUBLISHED IN “@UWF”: July 29, 2015.

THE FULL TEXT OF THE PROPOSED REPEAL OF THIS REGULATION IS SET FORTH BELOW:
In order to meet the University's mission, it is the intent of the Procurement Services Department Office of Procurement and Contracts to acquire quality goods and services within reasonable or required time frames, while promoting fair and open competition in the public procurement process. Responsible procurement officials shall be protected from improper pressures of external political or business interests. The process shall reduce the appearance and opportunity for favoritism, ensure that contracts are awarded equitably and economically, and establish effective management oversight in the acquisition of commodities and contractual services, in order to preserve the integrity of public procurement and contracting. The opportunity to bid on University contracts is a privilege, not a right.

Specific Authority 1001.74(4), 1010.04(2) FS. Law Implemented 1001.74(5) FS. History–New 7-1-03. Formerly 6C6-6.005. Converted to Regulation UWF/REG 6.005- 7/21/05. Amended 1/5/07, _______.
(1) Authority of the Institutions. Each university Board of Trustees shall adopt regulations establishing basic criteria related to procurement, including procedures and practices to be used in acquiring commodities and contractual services, as follows:

(a) Removing any contractor from the University's competitive vendor list that fails to fulfill any of its duties specified in a contract with the University(s) and to reinstate any such contractor when satisfied that further instances of default will not occur.

(b) Planning and coordinating purchases in volume and negotiating and executing agreements and contracts for commodities and contractual services under which the University may make purchases.

(c) Evaluating and approving contracts let by any State of Florida agency or department, the Federal Government, other states, political subdivisions, not-for-profit cooperatives or consortiums, or any independent college or university for the procurement of commodities and contractual services, when it is determined to be cost-effective and in the best interest of the University, to make purchases under contracts let by such other entities.

(d) Awarding contracts for commodities and contractual services to multiple suppliers, if it is determined to be in the best interest of the University. Such awards may be on a university, regional or State University System-wide basis and the contracts may be for multiple years.

(e) Rejecting or canceling any or all competitive solicitations when determined to be in the best interest of the University.

(f) Barring any vendor from doing business with the University for demonstrated cause, including previous unsatisfactory performance.

(2) Competitive Solicitation Threshold. Each university Board of Trustees shall establish a competitive solicitation threshold not greater than $75,000 for the purchase of commodities or contractual services.

(a) When only one response is received to the competitive solicitation threshold for commodities or contractual services exceeding $75,000, the University may review the solicitation responses to determine if a second call for a competitive solicitation is in the best interest of the University. If it is determined that a second call would not serve a useful purpose, the University may proceed with the acquisition.

(b) The purchase of commodities and contractual services shall not be divided to avoid the requirement of competitive solicitation.

(3) Exceptional Purchases. Each university is authorized to make exceptional purchases of commodities or contractual services as follows:

(a) Purchase of Products with Recycled Content. Each University may
establish a program to encourage the purchase and use of products and materials with recycled content and postconsumer recovered material.

(b) Purchase of Private Attorney Services. Written approval from the Attorney General is not required for private attorney services acquired by the University.

(c) Purchase of Insurance. Each University shall have the authority to purchase insurance as deemed necessary and appropriate for the operation and educational mission of the University.

(d) Purchase of Printing. Printing is not subject to Chapter 283, F.S.

(4) Purchases from Contractors Convicted of Public Entity Crimes. A University shall not accept a competitive solicitation from or purchase commodities or contractual services from a person or affiliate who has been convicted of a public entity crime and has been placed on the State of Florida’s convicted vendor list for a period of 36 months from the date of being added to the convicted vendor list.

(5) Competitive Solicitation Exceptions. The following types of purchasing actions, and commodities and contractual services purchases are not subject to the competitive solicitation process:

a) Emergency Purchases. When a university president or his/her designee determines, in writing, that the delay due to the competitive solicitation process is an immediate danger to the public health or safety or the welfare of the University, including University tangible and/or intangible assets; or would otherwise cause significant injury or harm not in the best interst of the University, the University may proceed with the procurement of commodities or contractual services without a competitive solicitation.

b) Sole Source Purchases. Commodities or contractual services available from a single source may be exempted from the competitive solicitation process.

c) Purchases from Contracts and Negotiated Annual Price Agreements established by the State of Florida, other governmental entities, other Universities in the State University System, or other independent colleges and universities are not subject to further competitive solicitation.

d) The following listed commodities and services are not subject to competitive solicitation:

1. Artistic services;
2. Academic reviews;
3. Lectures;
4. Auditing services;
5. Legal services, including attorney, paralegal, expert witness, appraisal, arbitrator or mediator services;
6. Health services involving examination, diagnosis, treatment, prevention, medical consultation or administration. Prescriptive assistive devices for medical, developmental or vocational rehabilitation including, but not limited to prosthetics, orthotics, wheelchairs and other related equipment and supplies, provided they are purchased on the basis of an established fee schedule or by a method that ensures the best price, taking into consideration the needs of the client;

7. Services provided to persons with mental or physical disabilities by not-for-profit corporations organized under the provisions of s. 501(c)(3) of the Internal Revenue Code or services governed by the provisions of the Office of Management and Budget Circular A-122;

8. Medicaid services delivered to an eligible Medicaid recipient by a health care provider who has not previously applied for and received a Medicaid provider number from the Department of Children and Family Services. This exception will be valid for a period not to exceed 90 days after the date of delivery to the Medicaid recipient and shall not be renewed;

9. Family placement services;
10. Training and education services;
11. Advertising;
12. Services or commodities provided by governmental agencies, another University in the State University System, direct support organizations of the university, political subdivisions or other independent colleges and universities;
13. Programs, conferences, workshops, continuing education events or other university programs that are offered to the general public for which fees are collected to pay all expenses associated with the event or program;
14. Purchases from firms or individuals that are prescribed by state or federal law, or specified by a granting agency;
15. Regulated utilities and government franchised services;
16. Regulated public communications, except long distance telecommunication services or facilities;
17. Extension of an existing contract;
18. Renewal of an existing contract if the terms of the contract specify renewal option(s);
19. Purchases from an Annual Certification List developed by each University;
20. Purchases for resale.
21. Accounting Services
22. Contracts or services provided by not-for-profit support and
affiliate organizations of the University, direct support organizations, health support organizations and faculty practice plans.

23. Implementation/programming/training services available from owner of copyrighted software or its contracted vendor.

24. Purchases of materials, supplies, equipment, or services for instructional or sponsored research purposes when a director of sponsored research or designee certifies that, in a particular instance, it is necessary for the efficient or expeditious prosecution of a research project in accordance with sponsored research procedures or to attain the instructional objective.

(6) **Vendors Excluded from Competition.** In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, invitations for bids and/or requests for proposals shall be excluded from competing for such procurements.

(7) **Standard of Conduct.** It shall be a breach of ethical standards for any employee of an University to accept, solicit, or agree to accept a gratuity of any kind, form or type in connection with any contract for commodities or services. It shall also be a breach of ethical standards for any potential contractor to offer an employee of a University a gratuity of any kind, form or type to influence the development of a contract or potential contract for commodities or services.

Authority: Section 7(d) Art. IX, Fla. Const.; History – New 3-27-08.
Issue: Repeal of UWF/REG-6.0059 Purchases of Motor Vehicles

Proposed action: Approve repeal of regulation in form attached of UWF/REG-6.0059 Purchases of Motor Vehicles

Background information:

UWF/REG 6.0059 was historically implemented to address the authority acquisition and disposal of state university motor pools prior to the creation of individual University Boards of Trustees. The regulation, however, is no longer necessary as the University does not control a central motor pool and the acquisition and disposal of motor vehicles are governed by other University regulations and policies. The Board of Governors has also repealed their regulation pertaining to the motor pool as obsolete and noted that no regulation is required on the subject.

Regulation Amendment Procedural History:
The notice of proposed amendment to UWF/REG 6.0059 was posted to the BOT website on July 29, 2015 and comments were invited. The notice was also published in the July 29, 2015 edition of @UWF and comment was invited. No comments have been received as of the date hereof. The required 30 day notice period for the proposed regulation ends on August 28, 2015.

Recommendation:
Approve repeal of UWF/REG-6.0059 Purchases of Motor Vehicles as set forth in the supporting documentation.

Implementation Plan:
Effective immediately upon BOT action.

Fiscal Implications:
None.

Supporting documents:
- BOG Regulations 1.001
- BOG Notice of Repeal 6C-16.002
- UWF/REG 6.0059 Purchases of Motor Vehicles with Proposed Amendments

Prepared by: James H. Felder, Associate General Counsel, Office of the General Counsel, jfelder@uwf.edu, 850/474-3420.

Facilitator/Presenter: Angela Jones, Director of Procurement & Contracts
UNIVERSITY OF WEST FLORIDA
NOTICE OF PROPOSED REPEAL OF REGULATION

REGULATION TITLE: UWF/REG 6.0059-Purchases of Motor Vehicles

SUMMARY: UWF/REG 6.0059 was historically implemented to address the authority acquisition and disposal of state university motor pools prior to the creation of individual University Boards of Trustees. The regulation, however, is no longer necessary as the University does not control a central motor pool and the acquisition and disposal of motor vehicles are governed by other University regulations and policies. The Board of Governors has also repealed their regulation pertaining to the motor pool as obsolete and noted that no regulation is required on the subject.

AUTHORITY: FBOG Regulation 18.001.

NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REPEAL OF REGULATION:
Angela Jones, Director of Procurement & Contracts

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: James Felder, Associate General Counsel, jfelder@uwf.edu, Phone (850) 474-3420; FAX (850) 857-6058; Bld. 10/Rm 114; 11000 University Parkway; Pensacola, FL 32514-5750. Any comments regarding the proposed regulation amendment must be sent in writing to the contact person on or before, August 12, 2015 to receive full consideration.

THE DATE THIS NOTICE WAS POSTED ON THE UWF BOARD OF TRUSTEES WEBSITE: July 29, 2015.

THE DATE THIS NOTICE WAS PUBLISHED IN “@UWF”: July 29, 2015.

THE FULL TEXT OF THE PROPOSED REPEAL OF THIS REGULATION IS SET FORTH BELOW:
University of West Florida Regulations
UWF/REG 6.0059 Purchases of Motor Vehicles.
The University has the authority to acquire motor vehicles by purchase, lease, installment purchase, rent, or by any other legal means, which may include trade-in of current University-owned vehicles.
Specific Authority 1001.74(4), 1010.04(2) FS. Law Implemented 1001.74(5) FS. History–New 7-1-03.
1.001 University Board of Trustees Powers and Duties

(1) Pursuant to Article IX, section 7(c), Florida Constitution, the Board of Governors shall establish the powers and duties of the board of trustees as set forth herein and as may be established in Board of Governors’ regulations. This regulation supersedes the delegation of authority to the boards of trustees contained in the Board of Governors’ Resolution dated January 7, 2003. The intent of this regulation is to delegate powers and duties to the university boards of trustees so that the university boards have all of the powers and duties necessary and appropriate for the direction, operation, management, and accountability of each state university.

(2) Composition of Boards; Membership and Organization.

(a) Each university shall be administered by a board of trustees, consisting of thirteen members dedicated to the purposes of the State University System. Each university board of trustees includes six members appointed by the Governor and five members appointed by the Board of Governors, all of whom must be confirmed by the Senate. All trustees are required to attend a Board of Governors orientation session, preferably prior to service on the university board. The chair of the faculty senate, or the equivalent, and the president of Student Government, or the equivalent, are also members. Board of trustee members shall serve staggered terms of five years and may be reappointed for subsequent terms, except for the faculty and student representatives who shall serve for the duration of the term of their respective elected offices. All members are public officers subject to the requirements of the Florida Code of Ethics.

(b) Each board of trustees shall select its chair and vice chair from the appointed members. Each chair shall serve for two years and may be reselected for one additional consecutive two-year term. Any exception to this term of office must be approved by a two-thirds vote of the board of trustees. The duties of the chair shall include presiding at all meetings of the board of trustees, calling special meetings of the board of trustees, attesting to actions of the board of trustees, and notifying the Board of Governors or the Governor, as applicable, in writing whenever a board member has three consecutive unexcused absences from regular board meetings in any fiscal year, which may be grounds for removal.

(c) The university president shall serve as the chief executive officer and corporate secretary of the board of trustees and shall be responsible to the board of trustees for all operations of the university and for setting the agenda for meetings of the board of trustees in consultation with the chair.
(d) Members of the boards of trustees shall receive no compensation but may be reimbursed for travel and per diem expenses as provided in s. 112.061, Florida Statutes.

(e) Each board of trustees shall establish the powers and duties of the university president.

(f) Each board of trustees shall be a public body corporate with all the powers of a body corporate, including the power to adopt a corporate seal, to contract and be contracted with, to sue and be sued, to plead and be impleaded in all courts of law and equity, and to give and receive donations. In all suits against the board of trustees, service of process shall be made on the chair of the board of trustees or on a university designee.

(g) Each board of trustees shall be primarily acting as an instrumentality of the state pursuant to s. 768.28, Florida Statutes, for purposes of sovereign immunity.

(h) Each board of trustees is subject to the public records and open meetings requirements set forth in Article I, section 24 of the Florida Constitution and laws implementing that section.

(3) University Administration and Oversight.

(a) Each board of trustees shall be responsible for the administration of its university in a manner that is dedicated to, and consistent with the university’s mission which shall be otherwise consistent with the mission and purposes of the State University System as defined by the Board of Governors.

(b) Each board of trustees may establish committees of the board to address matters including, but not limited to, academic and student affairs, strategic planning, finance, audit, property acquisition and construction, personnel, and budgets.

(c) Each board of trustees shall adopt a strategic plan in alignment with the Board of Governors’ systemwide strategic plan and regulations, and the university’s mission. University strategic plans shall be submitted to the Board of Governors for approval.

(d) Each board of trustees shall prepare a multi-year workplan/report for the Board of Governors that outlines its university’s top priorities, strategic directions, and specific actions and financial plans for achieving those priorities, as well as performance expectations and outcomes on institutional and systemwide goals. The workplan/report shall reflect the university’s distinctive mission and focus on core institutional strengths within the context of State University System goals and regional and statewide needs.

(e) Each board of trustees shall have a policy addressing conflicts of interest for its members.
(f) Each board of trustees shall maintain an effective information system to provide accurate, timely, and cost-effective information about the university, and shall require that all data and reporting requirements of the Board of Governors are met.

(g) Each board of trustees may promulgate regulations and procedures related to data and technology, including information systems, communications systems, computer hardware and software, and networks.

(h) Each board of trustees is authorized to secure comprehensive general liability insurance.

(i) Each board of trustees may provide for payment of the cost of civil actions against officers, employees, or agents of its board.

(j) Each board of trustees is authorized to promulgate university regulations in accordance with the Regulation Development Procedure adopted by the Board of Governors.

(k) Each board of trustees may govern traffic on the grounds of the university and in other areas in accordance with law and any mutual aid agreements entered into with other law enforcement agencies.

(l) Each board of trustees shall be responsible for campus safety and emergency preparedness, to include safety and security measures for university personnel, students, and campus visitors.

(m) Each board of trustees is authorized to create divisions of sponsored research and establish policies regulating the administration and operation of the divisions of sponsored research.

(4) Academic Programs and Student Affairs.

(a) Each board of trustees shall adopt university regulations or policies, as appropriate, in areas including, but not limited to:
1. authorization and discontinuance of degree programs;
2. articulation and access;
3. admission and enrollment of students;
4. minimum academic performance standards for the award of a degree;
5. student financial assistance;
6. student activities and organizations;
7. student records and reports;
8. antihazing, related penalties, and program for enforcement;
9. reasonable accommodation of religious observances; and
10. uniform student code of conduct and related penalties.

Such regulations or policies shall be consistent with any applicable Board of Governors' regulations.

(b) Each board of trustees shall establish a committee to periodically review and evaluate the student judicial system. At least one-half of
the members of the committee shall be students appointed by the
student body president.
(c) Each board of trustees shall approve the internal procedures of student
government organizations.
(d) Each board of trustees shall require that institutional control and
oversight of its intercollegiate athletics program is in compliance with
the rules and regulations of the National Collegiate Athletic
Association. The university president is responsible for the
administration of all aspects of the intercollegiate athletics program.

(5) Personnel.
(a) Each board of trustees shall provide for the establishment of the
personnel program for all the employees of the university, including
the president, which may include but is not limited to: compensation
and other conditions of employment, recruitment and selection,
nonreappointment, standards for performance and conduct,
evaluation, benefits and hours of work, leave policies, recognition and
awards, inventions and works, travel, learning opportunities,
exchange programs, academic freedom and responsibility, promotion,
assignment, demotion, transfer, tenure, and permanent status, ethical
obligations and conflicts of interest, restrictive covenants, disciplinary
actions, complaints, appeals and grievance procedures, and separation
and termination from employment. To the extent allowed by law,
university employees shall continue to be able to participate in the
state group insurance programs and the state retirement systems.
(b) Each board of trustees shall act as the sole public employer with regard
to all public employees of its university for the purposes of collective
bargaining, and shall serve as the legislative body for the resolution of
impasses with regard to collective bargaining matters.
(c) Each board of trustees shall select its university president subject to
confirmation of the candidate by the Board of Governors. A
presidential search committee shall be appointed to make
recommendations to the full board of trustees. The board of trustees
shall select a candidate for confirmation by the Board of Governors.
Prior to confirmation, the board of trustees shall submit a written
description of the selection process and criteria, and the qualifications
of the selected candidate to the Board of Governors for its
consideration in confirming the candidate. The candidate selected by
the board of trustees shall be required to appear before the Board of
Governors at the meeting where confirmation of the candidate will be
considered. Such meeting will be held as soon as practicable to ensure
a timely transition. A two-thirds vote of the Board of Governors shall
be required to deny confirmation of a candidate selected by a board of trustees.

(d) In the event that a board of trustees selects an interim president, such selection is subject to confirmation of the candidate by the Board of Governors. If it is determined by the board of trustees to be in the best interests of the university, the interim president selected by the board may be delegated full authority to serve as the interim president during the period prior to confirmation by the Board of Governors. Continued service as interim president requires confirmation by the Board of Governors, and the candidate selected by the board of trustees shall be required to appear before the Board of Governors at the meeting where confirmation will be considered. Such meeting will be held as soon as practicable to ensure a timely transition.

(e) Each board of trustees shall develop guidelines for the annual evaluation of the president.

(f) Each board of trustees shall conduct an annual evaluation of the president. The chair of the board of trustees shall request input from the Chair of the Board of Governors, who may involve the Chancellor, during the annual evaluation process pertaining to responsiveness to the Board of Governors’ strategic goals and priorities, and compliance with systemwide regulations.

(6) Financial Management.

(a) Each board of trustees shall be responsible for the financial management of its university and shall submit an institutional budget request, including a request for fixed capital outlay, and an operating budget to the Board of Governors for approval in accordance with the guidelines established by the Board of Governors.

(b) Each board of trustees shall establish tuition and fees in accordance with regulations established by the Board of Governors.

(c) Each board of trustees shall establish waivers for tuition and fees pursuant to regulations established by the Board of Governors.

(d) Each board of trustees shall engage in sound debt management practices for the issuance of debt by the university and its direct support organizations, and shall comply with the guidelines established by the Board of Governors in connection with the authorization, issuance and sale of university and direct support organization debt.

(e) Each board of trustees shall account for expenditures of all state, local, federal, and other funds in accordance with guidelines or regulations established by the Board of Governors, and as provided by state or federal law.
(f) Each board of trustees may enter into agreements for, and accept, credit card payments as compensation for goods, services, tuition, and fees.

(g) Each board of trustees shall establish policies and procedures for the performance of annual internal audits of university finances and operations. All reports generated from such audits must be submitted to the Board of Governors after review and acceptance by the board of trustees, or its designee.

(h) Each board of trustees and each direct support organization shall submit annual financial statements to the Board of Governors.

(7) Property and Purchasing.

(a) Each board of trustees and university direct support organization must obtain prior approval from the Board of Governors before entering into a binding contractual obligation to improve real property that will result in the board or the direct support organization seeking a commitment of state funds for the development, construction, operation, or maintenance of an educational or research facility.

(b) Each board of trustees shall have the authority to acquire real and personal property and contract for the sale and disposal of same, and approve and execute contracts for purchase, sale, lease, license, or acquisition of commodities, goods, equipment, and contractual services, leases of real and personal property, and construction. The acquisition may include purchase by installment or lease-purchase. Such contracts may provide for payment of interest on the unpaid portion of the purchase price.

(c) With respect to state-funded real property acquisitions, each board of trustees may, with the consent of the Board of Trustees of the Internal Improvement Trust Fund, sell, convey, transfer, exchange, trade, or purchase real property and related improvements necessary and desirable to serve the needs and purposes of the university.

1. The board of trustees may secure appraisals and surveys in accordance with the policies and procedures of the Board of Trustees of the Internal Improvement Trust Fund. Whenever the board of trustees finds it necessary for timely property acquisition, it may contract, without the need for competitive selection, with one or more appraisers whose names are contained on the list of approved appraisers maintained by the Division of State Lands in the Department of Environmental Protection.

2. The board of trustees may negotiate and enter into an option contract before an appraisal is obtained. The option contract must state that the final purchase price may not exceed the
maximum value allowed by law. The consideration for such an option contract may not exceed 10 percent of the estimate obtained by the board of trustees or 10 percent of the value of the parcel, whichever is greater, unless otherwise authorized by the board of trustees.

3. Title to property acquired by a university board of trustees prior to January 7, 2003, and to property acquired thereafter with state funds shall vest in the Board of Trustees of the Internal Improvement Trust Fund. With respect to all other real property acquired by a university, such property shall be titled in the name of the university board of trustees, or as the trustees of the university may deem appropriate.

(d) Each board of trustees shall submit to the Board of Governors, for approval, plans for all new campuses and instructional centers.

(e) Each board of trustees shall administer a program for the maintenance and construction of facilities.

(f) Each board of trustees may exercise the right of eminent domain pursuant to the provisions of chapter 1013, Florida Statutes.

(g) Each board of trustees shall be responsible for the use, maintenance, protection, and control of, and the imposition of charges for, university-owned or university-controlled buildings and grounds, property and equipment, name trademarks and other proprietary marks, and the financial and other resources of the university.

(h) With respect to any funds or real or personal property designated by will, deed, agreement, or court appointment to be held in trust for the benefit of the university, or its students, faculty members, officers, or employees, or otherwise, or for any educational purpose, a university board of trustees is authorized to act as trustee with full legal capacity as trustee to administer such trust property and, in such event, the title thereto shall vest in the board of trustees as trustee. In all such cases, the university board of trustees shall have the power and capacity to do and perform all things as fully as any individual trustee or other competent trustee might do or perform, and with the same rights, privileges, and duties including the power, capacity, and authority to convey, transfer, mortgage, or pledge such property held in trust and to contract and execute all other documents relating to said trust property which may be required for or appropriate to the administration of such trust or to accomplish the purposes of any such trust. Nothing herein shall be construed to authorize a board of trustees to contract a debt on behalf of, or in any way to obligate, the state; and the satisfaction of any debt or obligation incurred by the board as trustee under the provisions of this section shall be exclusively from the trust property, mortgaged or encumbered.
(i) Each board of trustees shall prepare and adopt a campus master plan pursuant to section 1013.30, Florida Statutes.

(j) Each board of trustees shall prepare, adopt, and execute a campus development agreement pursuant to section 1013.30, Florida Statutes.

(k) Each board of trustees may authorize the rent or lease of parking facilities, provided that such facilities are funded through parking fees or parking fines imposed by a university. A board of trustees may authorize a university to charge fees for parking at such rented or leased parking facilities and parking fines.

(l) Each board of trustees shall promulgate regulations that establish basic criteria related to the procurement of commodities and contractual services.

(m) Each board of trustees shall be responsible for the fire safety and sanitation of public educational and ancillary plants.

(8) Miscellaneous Powers and Duties.

(a) Each board of trustees is authorized to form such corporate entities as are necessary to establish and maintain faculty practice plans for the collection, distribution, and regulation of fees generated by faculty members engaged in the provision of healthcare services to patients as an integral part of their academic activities and employment as faculty. Each such faculty practice plan must be adopted by the board of trustees in accordance with regulations of the Board of Governors and approved by the Board of Governors.

(b) Each board of trustees is authorized to establish direct support organizations and university health services support organizations and certify them to use university property, facilities, and services.

(c) Each board of trustees may establish educational research centers for child development.

(d) Each board of trustees is authorized to protect, develop, and transfer the work products of university personnel and other university agents and contractors, which authority shall include but not be limited to licensing, assigning, selling, leasing, or otherwise allowing the use of or conveying such work products and securing and enforcing patents, copyrights, and trademarks on such products. Each board of trustees shall have policies and procedures concerning the work products of university personnel that facilitate technology development and transfer for the public benefit. Such policies must include, without limitation, provisions that take into account the contributions of university personnel in the development of work products and that require any proceeds from such work products be used to support the research and sponsored training programs of the university.
(e) Each board of trustees is responsible for compliance with all applicable laws, rules, regulations, and requirements.

(f) Each board of trustees shall perform such other duties as provided by the Board of Governors, or as each board of trustees may determine are necessary or appropriate for the administration of the university so long as the trustees comply with any applicable laws and Board of Governors’ regulations and policies.

Authority: Section 7(c), Art. IX, Fla. Const.; History: Resolution 1-07-03, New 3-26-09, Amended 09-16-10.
UWF Board of Trustees
Finance and Facilities Committee Meeting
August 13, 2015

Issue: Energy Savings Performance Contract Project

Proposed action: Information

Information:

Staff will share information concerning the proposed Energy Performance Contract between UWF and Siemens Industry, Inc.

Background information:

The University and Siemens Industry, Inc., entered into an Energy Audit Agreement in March 2015. Pursuant to the agreement, Siemens has been performing an Energy Audit and Report to determine the feasibility of entering into an energy performance savings contract to finance the installation and implementation of not to exceed $10,000,000 of energy conservation measures (the “Energy Conservation Project”) across campus.

It is expected that the Energy Audit and Report will be completed in early September. If this document shows that the estimated utilities savings from the Energy Conservation Project will be sufficient to pay project costs associated with the project, the Board will be asked to approve an Energy Performance Contract with Siemens (the “EPC”). Pursuant to the EPC, the University will agree to undertake debt to finance the Energy Conservation Project and Siemens will guarantee that the University’s savings will be sufficient to pay the debt based on the following University criteria:

- Maximum project cost of $10 Million;
- Energy cost savings are reasonably verifiable based on industry standards;
- Energy cost savings produce a positive cash flow to the University equal to a minimum of five (5) percent of the energy cost savings;
- Not-to-exceed fifteen (15) year payback period; and
- Construction period for installing energy conservation measures of two (2) years.

The Energy Conservation Project will address important capital renewal and deferred maintenance (“CRDM”) needs for the University, which at last estimate, exceeded a total cost of $63 Million within Educational and General Administrative (E & G) buildings. Historically, Public Education Capital Outlay (PECO) funds have been provided to partially address this backlog within E & G buildings, but have not been provided in sufficient quantities by the State in recent years to address critical needs.

If the Energy Audit and Report indicates that the expected annual energy cost savings derived from the Energy Conservation Project will be sufficient to total projected costs, including the field energy...
audit and report, design, installation, financing, and consultant services (legal, financial, and technical) of the Project, staff will bring a proposed EPC and financing structure to the Board following special notice required by Florida law.

Section 1013.23, Florida Statutes, specifically authorizes and encourages energy efficiency contracting in public educational facilities. These contracts are not required to be approved by the Florida Board of Governors, although a report will be provided.

Staff expects to bring the EPC to the Board for action at the November 19, 2015 Board of Trustees Finance and Facilities Committee meeting and the subsequent meeting of the full Board, December 10, 2015.

Recommendation: None

Implementation Plan: None

Fiscal Implications: Pending Feasibility Report impact may be up to $10 Million

Supporting documents:
   Energy Savings Performance Project PowerPoint
   Section 1013.23, Florida Statutes

Prepared by: Dr. Jim Barnett, Associate Vice President, Facilities Development and Operations, 850-474-2005, jbarnett@uwf.edu

Presenter: Dr. Jim Barnett, Associate Vice President
Energy Performance Project

Will enable UWF to use future energy savings to fund energy related infrastructure improvements, resulting in:

- Decreased Purchased Utility Costs
- Major System and Component Equipment Replacement
- Increased Infrastructure Reliability and Performance
- Decreased Reactive Maintenance and Increased Preventive Maintenance
Project Key Points

- FL Statute 1013.23, Energy Efficient Contracting
- Siemens Industry, Inc. – energy partner since 2006 and has a state contract with Dept. of Management Services (DMS).
- Legal, financial, and technical consultants - Report review
- Board of Trustees – Consideration of project approval
- Board of Trustees – Consideration of loan approval
University’s Project Criteria

- Energy cost savings sufficient to pay debt and produce positive cash flow to the University equal to a minimum of 5 Percent of the energy savings

- Maximum project cost of $10 Million

- Not-to-exceed 15 year payback period

- Construction period for installation of conservation measures – 2 Years
Questions?
The 2014 Florida Statutes

Title XLVIII
K-20 EDUCATION CODE

Chapter 1013
EDUCATIONAL FACILITIES

1013.23 Energy efficiency contracting.—

(1) LEGISLATIVE INTENT.—The Legislature finds that investment in energy conservation measures in educational facilities can reduce the amount of energy consumed and produce immediate and long-term savings. It is the policy of this state to encourage school districts, Florida College System institutions, and state universities to invest in energy conservation measures that reduce energy consumption, produce a cost savings, and improve the quality of indoor air in facilities, and, when economically feasible, to build, operate, maintain, or renovate educational facilities in such a manner so as to minimize energy consumption and maximize energy savings. It is further the policy of this state to encourage school districts, Florida College System institutions, and state universities to reinvest any energy savings resulting from energy conservation measures into additional energy conservation efforts.

(2) DEFINITIONS.—For purposes of this section, the term:

(a) “Energy conservation measure” means a training program, facility alteration, or equipment to be used in new construction, including an addition to an existing facility, that reduces energy costs, and includes, but is not limited to:

1. Insulation of the facility structure and systems within the facility.
2. Storm windows and doors, caulking or weatherstripping, multiglazed windows and doors, heat-absorbing, or heat-reflective, glazed and coated window and door systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption.
3. Automatic energy control systems.
4. Heating, ventilating, or air-conditioning system modifications or replacements.
5. Replacement or modifications of lighting fixtures to increase the energy efficiency of the lighting system which, at a minimum, shall conform to the Florida Building Code.
7. Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a facility or complex of facilities.
8. Energy conservation measures that provide long-term operating cost reductions and significantly reduce Btu consumed.
9. Renewable energy systems, such as solar, biomass, and wind.
10. Devices which reduce water consumption or sewer charges.

(b) “Energy cost savings” means:

1. A measured reduction in fuel, energy, or operation and maintenance costs created from the implementation of one or more energy conservation measures when compared with an established baseline for previous fuel, energy, or operation and maintenance costs; or
2. For new construction, a projected reduction in fuel, energy, or operation and maintenance costs created from the implementation of one or more energy conservation measures when compared with the projected fuel, energy, or operation and maintenance costs for equipment if the minimum standards of the Florida Building Code for educational facilities construction were implemented and signed and sealed by a registered professional engineer.

(c) “Energy performance-based contract” means a contract for the evaluation, recommendation, and implementation of energy conservation measures which includes, at a minimum:
1. The design and installation of equipment to implement one or more of such measures, and, if applicable, operation and maintenance of such measures.

2. The amount of any actual annual savings. This amount must meet or exceed total annual contract payments made by the district school board, Florida College System institution board of trustees, or state university board of trustees for such contract.

3. Financing charges to be incurred by the district school board, Florida College System institution board of trustees, or state university board of trustees over the life of the contract.

(d) "Energy performance contractor" means a person or business licensed pursuant to chapter 471, chapter 481, or chapter 489 and experienced in the analysis, design, implementation, and installation of energy conservation measures through the implementation of energy performance-based contracts.

(3) ENERGY PERFORMANCE-BASED CONTRACT PROCEDURES.—

(a) A district school board, Florida College System institution board of trustees, or state university board of trustees may enter into an energy performance-based contract with an energy performance contractor to significantly reduce energy or operating costs of an educational facility through one or more energy conservation measures.

(b) The energy performance contractor shall be selected in compliance with s. 287.055; except that in a case where a district school board, Florida College System institution board of trustees, or state university board of trustees determines that fewer than three firms are qualified to perform the required services, the requirement for agency selection of three firms, as provided in s. 287.055(4)(b), shall not apply and the bid requirements of s. 287.057 shall not apply.

(c) Before entering into a contract pursuant to this section, the district school board, Florida College System institution board of trustees, or state university board of trustees shall provide published notice of the meeting in which it proposes to award the contract, the names of the parties to the proposed contract, and the contract's purpose.

(d) Prior to the design and installation of the energy conservation measure, the district school board, Florida College System institution board of trustees, or state university board of trustees must obtain from the energy performance contractor a report that discloses all costs associated with the energy conservation measure and provides an estimate of the amount of the energy cost savings. The report must be reviewed by either the Department of Education or the Department of Management Services or signed and sealed by a registered professional engineer.

(e) A district school board, Florida College System institution board of trustees, or state university board of trustees may enter into an energy performance-based contract with an energy performance contractor if, after review of the report required by paragraph (d), it finds that the amount it would spend on the energy conservation measures recommended in the report will not exceed the amount to be saved in energy and operation costs over 20 years from the date of installation, based on life-cycle costing calculations, if the recommendations in the report were followed and if the energy performance contractor provides a written guarantee that the energy or operating cost savings will meet or exceed the costs of the system. The contract may provide for payments over a period of time not to exceed 20 years.

(f) A district school board, Florida College System institution board of trustees, or state university board of trustees may enter into an installment payment contract for the purchase and installation of energy conservation measures. The contract shall provide for payments of not less than one-twentieth of the price to be paid within 2 years from the date of the complete installation and acceptance by the district school board, Florida College System institution board of trustees, or state university board of trustees, and the remaining costs to be paid at least quarterly, not to exceed a 20-year term based on life-cycle costing calculations.

(g) Energy performance-based contracts may extend beyond the fiscal year in which they become effective; however, the term of any contract shall expire at the end of each fiscal year and may be automatically renewed annually up to 20 years, subject to a district school board, Florida College System institution board of trustees, or state university board of trustees making sufficient annual appropriations based upon continued realized energy cost savings. Such contracts shall stipulate that the agreement does not constitute a debt, liability, or obligation of the state or a district school board, Florida College System institution board of trustees, or state university board of trustees, or a
pledge of the faith and credit of the state or a district school board, Florida College System institution board of trustees, or state university board of trustees.

(4) CONTRACT PROVISIONS.—

(a) An energy performance-based contract shall include a guarantee by the energy performance contractor that annual energy cost savings will meet or exceed the amortized cost of energy conservation measures.

(b) The contract shall provide that all payments, except obligations on termination of the contract before its expiration, are to be made over time, but not to exceed 20 years from the date of complete installation and acceptance by the district school board, Florida College System institution board of trustees, or state university board of trustees, and that the annual savings are guaranteed to the extent necessary to make annual payments to satisfy the contract.

(c) The contract must require that the energy performance contractor to whom the contract is awarded provide a 100-percent public construction bond to the district school board, Florida College System institution board of trustees, or state university board of trustees for its faithful performance, as required by s. 255.05.

(d) The contract shall require the energy performance contractor to provide to the district school board, Florida College System institution board of trustees, or state university board of trustees an annual reconciliation of the guaranteed energy cost savings. The energy performance contractor shall be liable for any annual savings shortfall which may occur. In the event that such reconciliation reveals an excess in annual energy cost savings, such excess savings shall not be used to cover potential energy cost savings shortages in subsequent contract years.

History.—s. 817, ch. 2002-387; s. 205, ch. 2011-5.
BOT AGENDA RECOMMENDATION SUBMISSION

UWF Board of Trustees Meeting
Finance and Facilities
August 13, 2015

Issue: University Efficiencies

Proposed Action: Informational

Background Information:

Each year, in preparation of the upcoming Legislative Budget Request (LBR), the Board of Governors requests that each university submit a summary of various efficiencies that have been implemented at their institution. This year the reporting changed from a white paper format to a spreadsheet format. UWF’s efficiency report was provided to the Board of Governors on June 22, 2015.

Implementation Plan: None

Fiscal Implications: None

Supporting documents:
University Efficiencies PowerPoint
UWF Monetary Savings for 2014/15
UWF Other Efficiencies Identified for 2014/15

Prepared by: Betsy Bowers, Interim Vice President, Business, Finance, & Facilities,
850-474-2210, bbowers@uwf.edu

Facilitator/Presenter: Betsy Bowers, Interim Vice President
## UWF Monetary Savings

<table>
<thead>
<tr>
<th>Project</th>
<th>FY Projected Savings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chilled Water System Upgrade</td>
<td>$80,000</td>
</tr>
<tr>
<td>Boiler No. 2 Replacement</td>
<td>40,000</td>
</tr>
<tr>
<td>Installed Light Emitting Diode (LED) to Replace Metal Halide</td>
<td>14,000</td>
</tr>
<tr>
<td>Installed Light Emitting Diode (LED) to Replace Existing Fluorescent</td>
<td>3,000</td>
</tr>
<tr>
<td>Online Career Development Guide</td>
<td>2,500</td>
</tr>
<tr>
<td>T2 Ticketing System</td>
<td>1,600</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>$141,100</strong></td>
</tr>
</tbody>
</table>
**Other Efficiencies**

<table>
<thead>
<tr>
<th>Project</th>
<th>Value Added</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Academic Affairs</strong></td>
<td></td>
</tr>
<tr>
<td>• Automated Academic Interest Questionnaire (FTIC)</td>
<td>• Timesaving to student; efficient “Image” of UWF</td>
</tr>
<tr>
<td>• Schedule Planners and Waitlists</td>
<td>• Section planning tools for Dept. Chairs</td>
</tr>
<tr>
<td>• Online Student Assessment of Instruction</td>
<td>• Huge timesaver for academic staff</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Bookstore</strong></td>
<td></td>
</tr>
<tr>
<td>• Follett Discover</td>
<td>Streamlined book ordering process</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Career Services</strong></td>
<td></td>
</tr>
<tr>
<td>• Software: Optimal Resume, Interview Stream, and Candid Career (virtual services to students)</td>
<td>• <strong>400</strong> additional students served</td>
</tr>
<tr>
<td>• On-the-Go Services (Dept. visited high traffic academic areas)</td>
<td>• <strong>700</strong> additional students served</td>
</tr>
<tr>
<td>• Online Career Development Guide (virtual)</td>
<td>• <strong>1,117</strong> additional views to guide</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Dining Services</strong></td>
<td></td>
</tr>
<tr>
<td>• App on Campus (hours, menus, maps, events)</td>
<td>• Enhanced customer experience with campus dining</td>
</tr>
<tr>
<td>• Text2Solve  app (Nautilus Market-customer text Mgr. and get quick response)</td>
<td></td>
</tr>
<tr>
<td>• iPad kiosk (Nautilus Market-nutrition info)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>General Campus</strong></td>
<td></td>
</tr>
<tr>
<td>• Military web application and reports (tracking benefits)</td>
<td>• Efficient customer service to Military</td>
</tr>
<tr>
<td>• Contactless door access using Nautilus Card</td>
<td>• Reduce # replacement ID cards</td>
</tr>
<tr>
<td>• Qualtrics survey tool (used by employees and students)</td>
<td>• Eliminated need for multiple survey tools</td>
</tr>
<tr>
<td>• Tableau Tracking reports</td>
<td>• Efficient tracking of activities completion</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Parking Services</strong></td>
<td></td>
</tr>
<tr>
<td>• ArgoTracker app (Real-time trolley locations)</td>
<td>• <strong>39,542 views</strong></td>
</tr>
<tr>
<td>• Temporary Pass tracking (Temporary pass # and tracked in system)</td>
<td>• Efficiency in monitoring violations</td>
</tr>
<tr>
<td>Project</td>
<td>Project Status</td>
</tr>
<tr>
<td>-------------------------------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Online Career Development Guide</td>
<td>Completed</td>
</tr>
<tr>
<td>T2 Ticketing System</td>
<td>Completed</td>
</tr>
<tr>
<td>Installed Light Emitting Diode (LED) to Replace Existing Fluorescent</td>
<td>Completed</td>
</tr>
<tr>
<td>Installed Light Emitting Diode (LED) to Replace Metal Halide</td>
<td>Completed</td>
</tr>
<tr>
<td>Boiler No. 2 Replacement</td>
<td>Completed</td>
</tr>
<tr>
<td>Chilled Water System Upgrade</td>
<td>Completed</td>
</tr>
<tr>
<td>Project</td>
<td>Project Status</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>App on Campus</td>
<td>FY 2014-2015</td>
</tr>
<tr>
<td>Argo Tracker</td>
<td>Completed FY 2014-2015</td>
</tr>
<tr>
<td>Automation of Academic Interest Questionnaire</td>
<td>Completed FY 2014-2015</td>
</tr>
<tr>
<td>Contactless Door Access-Completion of Pilot and Begin Expansion</td>
<td>Completed FY 2014-2015</td>
</tr>
<tr>
<td>Expansion of online services</td>
<td>Completed FY 2014-2015</td>
</tr>
<tr>
<td>Expansion of on-the-go services to students</td>
<td>Completed FY 2014-2015</td>
</tr>
<tr>
<td>Follett Discover for Faculty and Students</td>
<td>FY 2014-2015</td>
</tr>
<tr>
<td>Implemented Qualtrics as a survey tool for use by all employees and students.</td>
<td>Completed</td>
</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td>Implemented waitlists and schedule planners</td>
<td>Completed</td>
</tr>
<tr>
<td>iPad Kiosk Technology</td>
<td>FY 2014-2015</td>
</tr>
<tr>
<td>Military web application and reports</td>
<td>Completed</td>
</tr>
<tr>
<td>Online Career Development Guide</td>
<td>Completed</td>
</tr>
<tr>
<td>Online Student Assessment of Instruction</td>
<td>Completed</td>
</tr>
<tr>
<td>Tableau “tracker reports”</td>
<td>Completed</td>
</tr>
<tr>
<td>Temporary Pass Tracking</td>
<td>Completed</td>
</tr>
<tr>
<td>Text2Solve App</td>
<td>FY 2014-2015</td>
</tr>
</tbody>
</table>
UWF Board of Trustees
Finance and Facilities Committee
August 13, 2015

Issue: Florida Sales Tax Exemption on College Textbooks

Proposed action: Informational

Background information:
New legislation has been enacted which provides a sales tax exemption on college textbooks that are required or recommended for use in a course in any field of study offered by a public postsecondary educational institution. The term "textbook" is broadly defined as any educational materials, in printed or digital format. The exemption applies to sales made in person or via electronic means and applies to the lease of textbooks as well as the sale as long as the lease is within the effective period of the exemption.

To qualify for the exemption the purchaser must be a student at a qualifying school and must provide their school identification number and an applicable course syllabus or list of required and recommended instructional material. The textbook provider is required to maintain proper documentation of the tax exempt transaction. The sale and lease of textbooks is handled directly between the student and the textbook provider with no impact on the University.

The legislation is for the one year period of July 1, 2015 through June 30, 2016.

Recommendation: None

Implementation Plan: The law went into effect July 1, 2015, and the University's bookstore partner, Follett, began implementation that same day.

Fiscal Implications: UWF students purchasing required and recommended course materials will save the 7.5% sales tax. On average, a student will spend approximately $1,100.00 during an academic year on course materials; therefore, this will result in a savings of approximately $82.50 per student. For the UWF total student population this could result in savings of more than $900,000 for the year.

Supporting documents:
http://www.flsenate.gov/Session/Bill/2015A/0033A/BillText/er/PDF
http://dor.myflorida.com/dor/tips/tip15a01-06.html

Prepared by: Ellen Till, Director of Business and Auxiliary Services, 850-474-2080, etill@uwf.edu

Facilitator/Presenter: Ellen Till, Director of Business and Auxiliary Services
An act relating to taxation; amending s. 193.0235, F.S.; revising the definition of the term "common element" for purposes of prorating ad valorem taxes for certain properties under certain circumstances; amending s. 202.12, F.S.; reducing the tax rates applied to the sale of communications services and the retail sale of direct-to-home satellite services; amending s. 202.12001, F.S.; conforming rates to the reduction of the communications services tax; amending s. 202.18, F.S.; revising the allocation of tax revenues received from the communications services tax; amending s. 202.27, F.S.; authorizing dealers of communications services to elect to use an alternative-period basis for filing and remitting communications services taxes; defining the term "alternate-period basis"; specifying requirements for the election; amending s. 202.28, F.S.; limiting the disallowance of the collection allowance under specified circumstances; providing that specified provisions of the act are remedial, apply retroactively, and do not provide a basis for certain assessments or create a right to certain refunds or credits; specifying that communication sales tax returns filed before a certain date are deemed to have been filed pursuant to a specified provision of the
act; amending s. 203.001, F.S.; conforming rates to
the reduction of the communications services tax;
providing applicability for certain provisions of the
act; amending s. 206.9825, F.S.; providing an aviation
fuel tax exemption and authorizing a refund of such
taxes paid for certain colleges and universities that
offer graduate programs in aeronautical or aerospace
engineering or flight training and certain wholesalers
and terminal suppliers; amending s. 212.02, F.S.;
revising the definitions of the terms "livestock" and
"agricultural production"; amending s. 212.04, F.S.;
exempting from the sales and use tax admissions to and
membership fees for gun clubs; defining the term "gun
club"; amending s. 212.05, F.S.; limiting the amount
of tax that may be imposed and collected on each
repair of a boat; amending s. 212.08, F.S.; exempting
from the sales and use tax irrigation equipment,
replacement parts and accessories for power farm
equipment and irrigation equipment, certain trailers,
stakes used by farmers to support plants during
agricultural production, and certain motor vehicles
purchased by active members of the United States Armed
Forces or their spouses; specifying for certain fiscal
years the total amount of community contribution tax
credits which may be granted against the sales and use
tax for contributions made to eligible sponsors of
specified projects; expanding such tax credit to include contributions made to eligible sponsors of housing projects for persons with certain special needs; defining terms; requiring enterprise zones to have been designated as of a certain date for purposes of such tax credit; extending the expiration date applicable to the granting of such tax credit; revising provisions related to the exemption of prepaid meal plans at colleges and institutions of higher learning; authorizing school support organizations to pay tax to their suppliers on the cost price of food, drink, and supplies purchased for resale in lieu of collecting tax on their final sales; authorizing the executive director of the Department of Revenue to adopt emergency rules to implement specified amendments made by the act; specifying the duration of such rules; amending s. 212.20, F.S.; revising the distributions of tax revenues received from the sales and use tax, communications services tax, and gross receipts tax; requiring communications services dealers to provide credits by a specified date to their customers for taxes collected in excess of those authorized by certain provisions of the act; specifying that a cause of action is not created if such dealers are unable to provide the credits under certain circumstances; authorizing such dealers to
take credits on their communications services tax
returns for certain amounts credited to their
customers; amending s. 220.03, F.S.; extending the
expiration date applicable to the definition of the
term "community contribution"; revising, and extending
the expiration date applicable to, the definition of
the term "project"; amending s. 220.183, F.S.;
specifying for certain fiscal years the total amount
of community contribution tax credits which may be
granted for contributions made to eligible sponsors of
specified projects; expanding such tax credit to
include contributions made to eligible sponsors of
housing projects for persons with certain special
needs; requiring enterprise zones to have been
designated as of a certain date for purposes of such
tax credit; extending the expiration date applicable
to the granting of such tax credit; amending s.
220.1845, F.S.; increasing the total amount of
contaminated site rehabilitation tax credits that may
be granted for 1 fiscal year; amending s. 220.196,
F.S.; revising eligibility requirements for certain
research and development tax credits for certain
business enterprises; increasing the total amount of
tax credits that may be granted to business
enterprises during a specified calendar year; revising
the deadline for the filing of an application for the

CODING: Words stricken are deletions; words underlined are additions.
tax credit; providing for the proration of tax credits under certain circumstances; amending s. 376.30781, F.S.; increasing the total amount of tax credits for the rehabilitation of drycleaning-solvent-contaminated sites and brownfield sites in designated brownfield areas which may be granted for 1 fiscal year; conforming provisions to changes made by act; amending s. 624.509, F.S.; requiring expiration by a specified date of an exemption from the premium tax for any portion of the title insurance premium retained by a title insurance agent or agency unless the Department of Economic Opportunity makes a specified determination relating to certain increases in full-time equivalent positions by title insurers; authorizing the department to verify certain information provided by title insurers; requiring the department to submit its determination to the Legislature and the Department of Revenue by a certain date; amending s. 624.5105, F.S.; specifying for certain fiscal years the total amount of community contribution tax credits which may be granted for contributions made to eligible sponsors of specified projects; expanding such tax credit to include contributions made to eligible sponsors of housing projects for persons with certain special needs; requiring enterprise zones to have been designated as
of a certain date for purposes of such tax credit;
extension the expiration date applicable to the
granting of such tax credit; reenacting s. 220.02(8),
F.S., relating to legislative intent for the corporate
income tax code, to incorporate the amendment made by
the act to s. 220.183, F.S., in a reference thereto;
reenacting s. 220.183(1)(g), F.S., relating to the
community contribution tax credit, to incorporate
amendments made by the act to s. 624.5105, F.S., in
references thereto; reenacting s. 377.809(4)(a), F.S.,
relating to the Energy Economic Zone Pilot Program, to
incorporate amendments made by the act to ss. 212.08,
220.183, and 624.5105, F.S., in references thereto;
providing an exemption from the sales and use tax for
the retail sale of certain clothes, school supplies,
and personal computers and personal computer-related
accessories during a specified period; providing
exceptions to the exemption; authorizing the
Department of Revenue to adopt emergency rules;
providing an appropriation to the Department of
Revenue for administrative purposes; providing an
exemption from the sales and use tax for the retail
sale of certain textbooks; defining terms; providing
exceptions to the exemption; authorizing the
Department of Revenue to adopt emergency rules;
providing that businesses that enter into certain
contracts with the Department of Economic Opportunity for certain economic development programs may apply for specified tax exemptions, refunds, and credits for certain projects; specifying the duties and responsibilities of the Department of Economic Opportunity; providing an appropriation to the Department of Revenue to implement certain amendments made by the act; providing for construction of the act in pari materia with laws enacted during the 2015 Regular Session of the Legislature; providing effective dates.

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

Section 1. Paragraph (d) is added to subsection (2) of section 193.0235, Florida Statutes, to read:

193.0235 Ad valorem taxes and non-ad valorem assessments against subdivision property.—

(2) As used in this section, the term "common element" includes:

(d) Property located within the same county as the subdivision and used for at least 10 years exclusively for the benefit of lot owners within the subdivision.

Section 2. Paragraphs (a) and (b) of subsection (1) of section 202.12, Florida Statutes, are amended to read:

202.12 Sales of communications services.—The Legislature
finds that every person who engages in the business of selling communications services at retail in this state is exercising a taxable privilege. It is the intent of the Legislature that the tax imposed by chapter 203 be administered as provided in this chapter.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction, and the tax is due and payable as follows:

(a) Except as otherwise provided in this subsection, at the rate of 4.92 6.65 percent applied to the sales price of the communications service that which:

1. Originates and terminates in this state, or
2. Originates or terminates in this state and is charged to a service address in this state,

when sold at retail, computed on each taxable sale for the purpose of remitting the tax due. The gross receipts tax imposed by chapter 203 shall be collected on the same taxable transactions and remitted with the tax imposed by this paragraph. If no tax is imposed by this paragraph due to the exemption provided under by reason of s. 202.125(1), the tax imposed by chapter 203 shall nevertheless be collected and remitted in the manner and at the time prescribed for tax collections and remittances under this chapter.

(b) At the rate of 9.07 10.8 percent applied to the retail sales price of any direct-to-home satellite service
received in this state. The proceeds of the tax imposed under this paragraph shall be accounted for and distributed in accordance with s. 202.18(2). The gross receipts tax imposed by chapter 203 shall be collected on the same taxable transactions and remitted with the tax imposed by this paragraph.

Section 3. Section 202.12001, Florida Statutes, is amended to read:

202.12001 Combined rate for tax collected pursuant to ss. 202.12(1)(a) and 203.01(1)(b).—In complying with ss. 1-3, ch. 2010-149, Laws of Florida, the dealer of communication services may collect a combined rate of 5.07 6.8 percent, composed comprised of the 4.92 6.65 percent and 0.15 percent rates required by ss. 202.12(1)(a) and 203.01(1)(b)3., respectively, if as long as the provider properly reflects the tax collected with respect to the two provisions as required in the return to the department of Revenue.

Section 4. Effective August 1, 2015, subsection (2) of section 202.18, Florida Statutes, is amended to read:

202.18 Allocation and disposition of tax proceeds.—The proceeds of the communications services taxes remitted under this chapter shall be treated as follows:

(2) The proceeds of the taxes remitted under s. 202.12(1)(b) shall be allocated divided as follows:

(a) The portion of the such proceeds which constitutes gross receipts taxes, imposed at the rate prescribed in chapter 203, shall be deposited as provided by law and in accordance
(b) Fifty-five and nine-tenths sixty-three percent of the remainder shall be allocated to the state and distributed pursuant to s. 212.20(6), except that the proceeds allocated pursuant to s. 212.20(6)(d)2. shall be prorated to the participating counties in the same proportion as that month's collection of the taxes and fees imposed pursuant to chapter 212 and paragraph (1)(b).

(c)1. During each calendar year, the remaining portion of the such proceeds shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund. Seventy percent of such proceeds shall be allocated in the same proportion as the allocation of total receipts of the half-cent sales tax under s. 218.61 and the emergency distribution under s. 218.65 in the prior state fiscal year. Thirty percent of such proceeds shall be distributed pursuant to s. 218.67.

2. The proportion of the proceeds allocated based on the emergency distribution under s. 218.65 shall be distributed pursuant to s. 218.65.

3. In each calendar year, the proportion of the proceeds allocated based on the half-cent sales tax under s. 218.61 shall be allocated to each county in the same proportion as the county's percentage of total sales tax allocation for the prior state fiscal year and distributed pursuant to s. 218.62.

4. The department shall distribute the appropriate amount to each municipality and county each month at the same time that
local communications services taxes are distributed pursuant to subsection (3).

Section 5. Effective October 1, 2015, subsection (1) of section 202.27, Florida Statutes, is amended to read:

202.27 Return filing; rules for self-accrual.—

(1) For the purpose of ascertaining the amount of tax payable under this chapter and chapter 203, each dealer must have the duty to file a return and remit the taxes required to be collected in any calendar month to the department, on or before the 20th day of the subsequent month, upon forms prepared and furnished by the department or in a format prescribed by it. The department shall, by rule, prescribe the information to be furnished by taxpayers on such returns. For the purpose of determining the taxes required to be remitted under this subsection, a dealer may elect to use an alternative-period basis. As used in this subsection, the term "alternative-period basis" means any month-long period, other than a calendar month, with an end date on or after the 15th day of the calendar month. The election shall be made on forms prepared and furnished by the department or in a format prescribed by the department. A dealer making such election is bound by the election for at least 12 months. If an election is made, the dealer must file a return and remit the taxes required to be collected in the chosen alternative-period basis to the department on or before the 20th day of the subsequent month.

Section 6. Effective October 1, 2015, paragraph (d) is
added to subsection (1) of section 202.28, Florida Statutes, to read:

202.28 Credit for collecting tax; penalties.—
(1) Except as otherwise provided in s. 202.22, for the purpose of compensating persons providing communications services for the keeping of prescribed records, the filing of timely tax returns, and the proper accounting and remitting of taxes, persons collecting taxes imposed under this chapter and under s. 203.01(1)(a)2. shall be allowed to deduct 0.75 percent of the amount of the tax due and accounted for and remitted to the department.

(d) A disallowance of a collection allowance based on a delinquent tax payment is limited to the percentage of the total tax due which was delinquent when the payment was remitted to the department. The taxpayer has the burden to demonstrate the percentage of the payment which is not delinquent if that percentage is not readily evident at the time of payment.

Section 7. The amendments made by this act to ss. 202.27 and 202.28, Florida Statutes, are remedial in nature and apply retroactively, but do not provide a basis for an assessment of any unpaid tax or create a right to a refund of or credit for any tax paid before October 1, 2015. Communications services tax returns filed by dealers on an alternative-period basis before October 1, 2015, are deemed to have been filed pursuant to the election provided in s. 202.27(1), Florida Statutes, as amended by this act.
Section 8. Section 203.001, Florida Statutes, is amended to read:

203.001 Combined rate for tax collected pursuant to ss. 202.12(1)(a) and 203.01(1)(b).—In complying with ss. 1-3, ch. 2010-149, Laws of Florida, the dealer of communication services may collect a combined rate of 5.07% percent, composed comprised of the 4.92% percent and 0.15 percent rates required by ss. 202.12(1)(a) and 203.01(1)(b)3., respectively, if as long as the provider properly reflects the tax collected with respect to the two provisions as required in the return to the Department of Revenue.

Section 9. The amendments made by this act to ss. 202.12(1), 202.12001, and 203.001, Florida Statutes, apply to taxable communications services transactions on bills dated on or after July 1, 2015.

Section 10. Paragraph (e) is added to subsection (1) of section 206.9825, Florida Statutes, to read:

206.9825 Aviation fuel tax.—

(1)

(e)1. Sales of aviation fuel to, and exclusively used for flight training through a school of aeronautics or college of aviation by, a college based in this state which is a tax-exempt organization under s. 501(c)(3) of the Internal Revenue Code or a university based in this state are exempt from the tax imposed by this part if the college or university: a. Is accredited by or has applied for accreditation by
the Aviation Accreditation Board International; and

b. Offers a graduate program in aeronautical or aerospace
engineering or offers flight training through a school of
aeronautics or college of aviation.

2. A licensed wholesaler or terminal supplier that sells
aviation fuel to a college or university qualified under this
paragraph and that does not collect the aviation fuel tax from
the college or university on such sale may receive an ultimate
vendor credit for the 6.9-cent excise tax previously paid on the
aviation fuel delivered to such college or university.

3. A college or university qualified under this paragraph
which purchases fuel from a retail supplier, including a fixed-
base operator, and pays the 6.9-cent excise tax on the purchase
may apply for and receive a refund of the aviation fuel tax
paid.

Section 11. Subsections (29) and (32) of section 212.02,
Florida Statutes, are amended to read:

212.02 Definitions.—The following terms and phrases when
used in this chapter have the meanings ascribed to them in this
section, except where the context clearly indicates a different
meaning:

(29) "Livestock" includes all animals of the equine,
bovine, or swine class, including goats, sheep, mules, horses,
hogs, cattle, ostriches, and other grazing animals raised for
commercial purposes. The term "livestock" shall also include
all aquaculture products, as defined in s. 597.0015 and
identified by the Department of Agriculture and Consumer Services pursuant to s. 597.003, include fish raised for commercial purposes.

(32) "Agricultural production" means the production of plants and animals useful to humans, including the preparation, planting, cultivating, or harvesting of these products or any other practices necessary to accomplish production through the harvest phase, including storage of raw products on a farm. The term and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production.

Section 12. Paragraph (a) of subsection (2) of section 212.04, Florida Statutes, is amended to read:

212.04 Admissions tax; rate, procedure, enforcement.—
(2)(a) A tax may not be levied on:

1. Admissions to athletic or other events sponsored by elementary schools, junior high schools, middle schools, high schools, community colleges, public or private colleges and universities, deaf and blind schools, facilities of the youth services programs of the Department of Children and Families, and state correctional institutions if only student, faculty, or inmate talent is used. However, this exemption does not apply to admission to athletic events sponsored by a state university, and the proceeds of the tax collected on such admissions shall be retained and used by each institution to support women's athletics as provided in s. 1006.71(2)(c).
2. Dues, membership fees, and admission charges imposed by not-for-profit sponsoring organizations. To receive this exemption, the sponsoring organization must qualify as a not-for-profit entity under s. 501(c)(3) of the Internal Revenue Code of 1954, as amended.

3. Admission charges to an event sponsored by a governmental entity, sports authority, or sports commission if held in a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility and if 100 percent of the risk of success or failure lies with the sponsor of the event and 100 percent of the funds at risk for the event belong to the sponsor, and student or faculty talent is not exclusively used. As used in this subparagraph, the terms "sports authority" and "sports commission" mean a nonprofit organization that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code and that contracts with a county or municipal government for the purpose of promoting and attracting sports-tourism events to the community with which it contracts.

4. An admission paid by a student, or on the student's behalf, to any required place of sport or recreation if the student's participation in the sport or recreational activity is required as a part of a program or activity sponsored by, and under the jurisdiction of, the student's educational institution if his or her attendance is as a participant and not as a spectator.
5. Admissions to the National Football League championship game or Pro Bowl; admissions to any semifinal game or championship game of a national collegiate tournament; admissions to a Major League Baseball, Major League Soccer, National Basketball Association, or National Hockey League all-star game; admissions to the Major League Baseball Home Run Derby held before the Major League Baseball All-Star Game; or admissions to National Basketball Association all-star events produced by the National Basketball Association and held at a facility such as an arena, convention center, or municipal facility.

6. A participation fee or sponsorship fee imposed by a governmental entity as described in s. 212.08(6) for an athletic or recreational program if the governmental entity by itself, or in conjunction with an organization exempt under s. 501(c)(3) of the Internal Revenue Code of 1954, as amended, sponsors, administers, plans, supervises, directs, and controls the athletic or recreational program.

7. Admissions to live theater, live opera, or live ballet productions in this state which are sponsored by an organization that has received a determination from the Internal Revenue Service that the organization is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code of 1954, as amended, if the organization actively participates in planning and conducting the event, is responsible for the safety and success of the event, is organized for the purpose of sponsoring
live theater, live opera, or live ballet productions in this state, has more than 10,000 subscribing members and has among the stated purposes in its charter the promotion of arts education in the communities it serves, and will receive at least 20 percent of the net profits, if any, of the events the organization sponsors and will bear the risk of at least 20 percent of the losses, if any, from the events it sponsors if the organization employs other persons as agents to provide services in connection with a sponsored event. Before March 1 of each year, such organization may apply to the department for a certificate of exemption for admissions to such events sponsored in this state by the organization during the immediately following state fiscal year. The application must state the total dollar amount of admissions receipts collected by the organization or its agents from such events in this state sponsored by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Such organization shall receive the exemption only to the extent of $1.5 million multiplied by the ratio that such receipts bear to the total of such receipts of all organizations applying for the exemption in such year; however, such exemption granted to any organization may not exceed 6 percent of such admissions receipts collected by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Each organization receiving the exemption shall report each month to

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the department the total admissions receipts collected from such
events sponsored by the organization during the preceding month
and shall remit to the department an amount equal to 6 percent
of such receipts reduced by any amount remaining under the
exemption. Tickets for such events sold by such organizations
may not reflect the tax otherwise imposed under this section.

  8. Entry fees for participation in freshwater fishing
tournaments.

  9. Participation or entry fees charged to participants in
a game, race, or other sport or recreational event if spectators
are charged a taxable admission to such event.

  10. Admissions to any postseason collegiate football game
sanctioned by the National Collegiate Athletic Association.

  11. Admissions to and membership fees for gun clubs. For
purposes of this subparagraph, the term "gun club" means an
organization whose primary purpose is to offer its members
access to one or more shooting ranges for target or skeet
shooting.

Section 13. Subsection (5) of section 212.05, Florida
Statutes, is amended to read:

  212.05 Sales, storage, use tax.—It is hereby declared to
be the legislative intent that every person is exercising a
taxable privilege who engages in the business of selling
tangible personal property at retail in this state, including
the business of making mail order sales, or who rents or
furnishes any of the things or services taxable under this
chapter, or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(5) Notwithstanding any other provision of this chapter, the maximum amount of tax imposed under this chapter and collected on each sale or use of a boat in this state may not exceed $18,000 and on each repair of a boat in this state may not exceed $60,000.

Section 14. Subsection (3), paragraphs (a) and (p) of subsection (5), and paragraphs (r) and (ll) of subsection (7) of section 212.08, Florida Statutes, are amended, and paragraph (nnn) is added to subsection (7) of that section, to read:

212.08  Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(3)  EXEMPTIONS; CERTAIN FARM EQUIPMENT.—

(a) The tax may not be imposed on the sale, rental, lease, use, consumption, repair, or storage for use in this state of power farm equipment or irrigation equipment, including replacement parts and accessories for power farm equipment or irrigation equipment, which are used exclusively on a farm or in a forest in the agricultural production of crops or products as produced by those

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agricultural industries included in s. 570.02(1), or for fire
prevention and suppression work with respect to such crops or
products. Harvesting may not be construed to include processing
activities. This exemption is not forfeited by moving farm
equipment between farms or forests.

(b) The tax may not be imposed on that portion of the
sales price below $20,000 for a trailer weighing 12,000 pounds
or less and purchased by a farmer for exclusive use in
agricultural production or to transport farm products from his
or her farm to the place where the farmer transfers ownership of
the farm products to another. This exemption is not forfeited by
using a trailer to transport the farmer's farm equipment. The
exemption provided under this paragraph does not apply to the
lease or rental of a trailer.

(c) The exemptions provided in paragraphs (a) and (b) are
However, this exemption shall not be allowed unless the
purchaser, renter, or lessee signs a certificate stating that
the farm equipment is to be used exclusively on a farm or in a
forest for agricultural production or for fire prevention and
suppression, as required under by this subsection. Possession by
a seller, lessor, or other dealer of a written certification by
the purchaser, renter, or lessee certifying the purchaser's,
renter's, or lessee's entitlement to an exemption permitted by
this subsection relieves the seller from the responsibility of
collecting the tax on the nontaxable amounts, and the department
shall look solely to the purchaser for recovery of such tax if
it determines that the purchaser was not entitled to the exemption.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(a) Items in agricultural use and certain nets.—There are exempt from the tax imposed by this chapter nets designed and used exclusively by commercial fisheries; disinfectants, fertilizers, insecticides, pesticides, herbicides, fungicides, and weed killers used for application on crops or groves, including commercial nurseries and home vegetable gardens, used in dairy barns or on poultry farms for the purpose of protecting poultry or livestock, or used directly on poultry or livestock; portable containers or movable receptacles in which portable containers are placed, used for processing farm products; field and garden seeds, including flower seeds; nursery stock, seedlings, cuttings, or other propagative material purchased for growing stock; seeds, seedlings, cuttings, and plants used to produce food for human consumption; cloth, plastic, and other similar materials used for shade, mulch, or protection from frost or insects on a farm; stakes used by a farmer to support plants during agricultural production; generators used on poultry farms; and liquefied petroleum gas or other fuel used to heat a structure in which started pullets or broilers are raised; however, such exemption shall not be allowed unless the purchaser or lessee signs a certificate stating that the item to be exempted is for the exclusive use designated herein. Also exempt are cellophane wrappers, glue for tin and glass
(apiarists), mailing cases for honey, shipping cases, window
cartons, and baling wire and twine used for baling hay, when
used by a farmer to contain, produce, or process an agricultural
commodity.

(p) Community contribution tax credit for donations.—
1. Authorization.—Persons who are registered with the
department under s. 212.18 to collect or remit sales or use tax
and who make donations to eligible sponsors are eligible for tax
credits against their state sales and use tax liabilities as
provided in this paragraph:

a. The credit shall be computed as 50 percent of the
person's approved annual community contribution.

b. The credit shall be granted as a refund against state
sales and use taxes reported on returns and remitted in the 12
months preceding the date of application to the department for
the credit as required in sub-subparagraph 3.c. If the annual
credit is not fully used through such refund because of
insufficient tax payments during the applicable 12-month period,
the unused amount may be included in an application for a refund
made pursuant to sub-subparagraph 3.c. in subsequent years
against the total tax payments made for such year. Carryover
credits may be applied for a 3-year period without regard to any
time limitation that would otherwise apply under s. 215.26.

c. A person may not receive more than $200,000 in annual
tax credits for all approved community contributions made in any
one year.
d. All proposals for the granting of the tax credit require the prior approval of the Department of Economic Opportunity.

e. The total amount of tax credits which may be granted for all programs approved under this paragraph, s. 220.183, and s. 624.5105 is $18.4 million in the 2015-2016 fiscal year, $21.4 million in the 2016-2017 fiscal year, and $21.4 million in the 2017-2018 fiscal year annually for projects that provide housing opportunities for persons with special needs or homeownership opportunities for low-income households or very-low-income households as those terms are defined in s. 420.9071 and $3.5 million annually for all other projects. As used in this paragraph, the term "person with special needs" has the same meaning as in s. 420.0004 and the terms "low-income person," "low-income household," "very-low-income person," and "very-low-income household" have the same meaning as in s. 420.9071.

f. A person who is eligible to receive the credit provided in this paragraph, s. 220.183, or s. 624.5105 may receive the credit only under one section of the person's choice.

2. Eligibility requirements.—

a. A community contribution by a person must be in the following form:

(I) Cash or other liquid assets;
(II) Real property;
(III) Goods or inventory; or
(IV) Other physical resources identified by the Department
of Economic Opportunity.

b. All community contributions must be reserved exclusively for use in a project. As used in this sub-subparagraph, the term "project" means activity undertaken by an eligible sponsor which is designed to construct, improve, or substantially rehabilitate housing that is affordable to low-income households or very-low-income households as these terms are defined in s. 420.9071; designed to provide housing opportunities for persons with special needs; designed to provide commercial, industrial, or public resources and facilities; or designed to improve entrepreneurial and job-development opportunities for low-income persons. A project may be the investment necessary to increase access to high-speed broadband capability in a rural community that had an enterprise zone designated pursuant to chapter 290 as of May 1, 2015 rural communities with enterprise zones, including projects that result in improvements to communications assets that are owned by a business. A project may include the provision of museum educational programs and materials that are directly related to a project approved between January 1, 1996, and December 31, 1999, and located in an area which was in an enterprise zone designated pursuant to s. 290.0065 as of May 1, 2015. This paragraph does not preclude projects that propose to construct or rehabilitate housing for low-income households or very-low-income households on scattered sites or housing opportunities for persons with special needs. With respect to housing,
contributions may be used to pay the following eligible special needs, low-income, and very-low-income housing-related activities:
(I) Project development impact and management fees for special needs, low-income, or very-low-income housing projects;
(II) Down payment and closing costs for persons with special needs, low-income persons, and very-low-income persons, as those terms are defined in s. 420.9071;
(III) Administrative costs, including housing counseling and marketing fees, not to exceed 10 percent of the community contribution, directly related to special needs, low-income, or very-low-income projects; and
(IV) Removal of liens recorded against residential property by municipal, county, or special district local governments if satisfaction of the lien is a necessary precedent to the transfer of the property to a low-income person or very-low-income person, as those terms are defined in s. 420.9071, for the purpose of promoting home ownership. Contributions for lien removal must be received from a nonrelated third party.
c. The project must be undertaken by an "eligible sponsor," which includes:
(I) A community action program;
(II) A nonprofit community-based development organization whose mission is the provision of housing for persons with special needs, low-income households, or very-low-income households or increasing entrepreneurial and job-development
opportunities for low-income persons;

   (III) A neighborhood housing services corporation;
   (IV) A local housing authority created under chapter 421;
   (V) A community redevelopment agency created under s. 163.356;
   (VI) A historic preservation district agency or organization;
   (VII) A regional workforce board;
   (VIII) A direct-support organization as provided in s. 1009.983;
   (IX) An enterprise zone development agency created under s. 290.0056;
   (X) A community-based organization incorporated under chapter 617 which is recognized as educational, charitable, or scientific pursuant to s. 501(c)(3) of the Internal Revenue Code and whose bylaws and articles of incorporation include affordable housing, economic development, or community development as the primary mission of the corporation;
   (XI) Units of local government;
   (XII) Units of state government; or
   (XIII) Any other agency that the Department of Economic Opportunity designates by rule.

A contributing person may not have a financial interest in the eligible sponsor.

d. The project must be located in an area which was in an
designated an enterprise zone designated pursuant to chapter 290 as of May 1, 2015, or a Front Porch Florida Community, unless the project increases access to high-speed broadband capability in a rural community that had an enterprise zone designated pursuant to chapter 290 as of May 1, 2015, for rural communities that have enterprise zones but is physically located outside the designated rural zone boundaries. Any project designed to construct or rehabilitate housing for low-income households or very-low-income households or housing opportunities for persons with special needs as those terms are defined in s. 420.9071 is exempt from the area requirement of this sub-subparagraph.

e.(I) If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide housing opportunities for persons with special needs or homeownership opportunities for low-income households or very-low-income households as those terms are defined in s. 420.9071 are received for less than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant tax credits for those applications and grant remaining tax credits on a first-come, first-served basis for subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide housing opportunities for persons with special needs or homeownership opportunities for low-income households or very-low-income households as those terms are defined in s. 420.9071

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are received for more than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant the tax credits for those applications as follows:

(A) If tax credit applications submitted for approved projects of an eligible sponsor do not exceed $200,000 in total, the credits shall be granted in full if the tax credit applications are approved.

(B) If tax credit applications submitted for approved projects of an eligible sponsor exceed $200,000 in total, the amount of tax credits granted pursuant to sub-sub-sub-subparagraph (A) shall be subtracted from the amount of available tax credits, and the remaining credits shall be granted to each approved tax credit application on a pro rata basis.

(II) If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide housing opportunities for persons with special needs or homeownership opportunities for low-income households or very-low-income households as those terms are defined in s. 420.9071 are received for less than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications...
for projects other than those that provide housing opportunities for persons with special needs or homeownership opportunities for low-income households or very-low-income households as those terms are defined in s. 420.9071 are received for more than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant the tax credits for those applications on a pro rata basis.

3. Application requirements.—
   a. Any eligible sponsor seeking to participate in this program must submit a proposal to the Department of Economic Opportunity which sets forth the name of the sponsor, a description of the project, and the area in which the project is located, together with such supporting information as is prescribed by rule. The proposal must also contain a resolution from the local governmental unit in which the project is located certifying that the project is consistent with local plans and regulations.
   b. Any person seeking to participate in this program must submit an application for tax credit to the Department of Economic Opportunity which sets forth the name of the sponsor, a description of the project, and the type, value, and purpose of the contribution. The sponsor shall verify, in writing, the terms of the application and indicate its receipt of the contribution, and such verification must accompany the application for tax credit. The person must submit a separate tax credit application to the Department of Economic Opportunity.
for each individual contribution that it makes to each individual project.

c. Any person who has received notification from the Department of Economic Opportunity that a tax credit has been approved must apply to the department to receive the refund. Application must be made on the form prescribed for claiming refunds of sales and use taxes and be accompanied by a copy of the notification. A person may submit only one application for refund to the department within a 12-month period.

4. Administration.—

a. The Department of Economic Opportunity may adopt rules necessary to administer this paragraph, including rules for the approval or disapproval of proposals by a person.

b. The decision of the Department of Economic Opportunity must be in writing, and, if approved, the notification shall state the maximum credit allowable to the person. Upon approval, the Department of Economic Opportunity shall transmit a copy of the decision to the department.

c. The Department of Economic Opportunity shall periodically monitor all projects in a manner consistent with available resources to ensure that resources are used in accordance with this paragraph; however, each project must be reviewed at least once every 2 years.

d. The Department of Economic Opportunity shall, in consultation with the statewide and regional housing and financial intermediaries, market the availability of the

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community contribution tax credit program to community-based organizations.

5. Expiration.—This paragraph expires June 30, 2018; however, any accrued credit carryover that is unused on that date may be used until the expiration of the 3-year carryover period for such credit.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(r) School books and school lunches; institution of higher learning prepaid meal plans.—This exemption applies to school
books used in regularly prescribed courses of study, and to
school lunches served in public, parochial, or nonprofit schools
operated for and attended by pupils of grades K through 12.
Yearbooks, magazines, newspapers, directories, bulletins, and
similar publications distributed by such educational
institutions to their students are also exempt. School books and
food sold or served at a college or institution community
colleges and other institutions of higher learning are taxable,
except that prepaid meal plans purchased for use from a college
or other institution of higher learning by students currently
enrolled or preparing to enroll in a at that college or other
institution of higher learning are exempt. As used in this
paragraph, the term "prepaid meal plans" means payment in
advance, or payment using financial aid, once disbursed, to a
college or institution of higher learning, or to a management
entity under contract to provide prepaid meal plans on behalf of
a college or institution of higher learning, for the provision
of a defined quantities of dollar equivalencies or meal plans
quantity of units that must expire at the end of an academic
term and cannot be refunded to the student upon expiration, and
which may only be exchanged for food. Prepaid meal plans that
contain a defined number of meals or a defined number of dollar
equivalencies qualify for this exemption. However, the
taxability of the dollar equivalencies of the prepaid meal plans
shall be determined upon the plan's use, and tax shall be due
when the dollar equivalencies are used to make a purchase if
that purchase is otherwise subject to sales tax pursuant to this chapter. As used in this paragraph, the term "dollar equivalencies" includes university-specific dollars on a declining balance, such as flex bucks or dining bucks.

(11) Parent-teacher organizations, parent-teacher associations, and schools having grades K through 12.—

1. Sales or leases to parent-teacher organizations and associations the purpose of which is to raise funds for schools that teach grades K through 12 and that are associated with schools having grades K through 12 are exempt from the tax imposed by this chapter.

2. Parent-teacher organizations and associations described in subparagraph 1., and schools having grades K through 12, may pay tax to their suppliers on the cost price of school materials and supplies purchased, rented, or leased for resale or rental to students in grades K through 12, of items sold for fundraising purposes, and of items sold through vending machines located on the school premises, in lieu of collecting the tax imposed by this chapter from the purchaser. This paragraph also applies to food or beverages sold through vending machines located in the student lunchroom or dining room of a school having kindergarten through grade 12.

3. In lieu of collecting the tax imposed by this chapter from the purchaser, school support organizations may pay tax to their suppliers on the cost price of food, drink, and supplies necessary to serve such food and drink when the food, drink, and
supplies are purchased for resale. For purposes of this paragraph, the term "school support organization" means an organization whose sole purpose is to raise funds to support extracurricular activities at public, parochial, or nonprofit schools that teach students in grades K through 12.

(nnn) Importation of motor vehicles; active United States Armed Forces members.—The importation of a motor vehicle purchased and used for 6 months or more in a foreign country by an active member of the United States Armed Forces or his or her spouse is also exempt from the tax imposed by this chapter when the vehicle is imported, registered, or titled in this state for personal use by the member or his or her spouse. Proof of the active status of the member, and, when applicable, proof of the spouse's relationship to the member, must be provided when the vehicle is titled and registered in this state.

Section 15. (1) The executive director of the Department of Revenue is authorized, and all conditions are deemed to be met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing the amendments made by this act to ss. 202.12, 202.27, and 212.08(7), Florida Statutes.

(2) Notwithstanding any other provision of law, emergency rules adopted pursuant to subsection (1) are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

(3) This section expires July 1, 2018.
Section 16. Effective September 1, 2015, paragraph (d) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter and ss. 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

(d) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of $500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5.2 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

2. After the distribution under subparagraph 1., 8.9744 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to be transferred shall be reduced by 0.1 percent, and the department shall distribute this amount to the Public Employees Relations Commission Trust Fund less $5,000 each month, which shall be added to the amount calculated in subparagraph 3. and
distributed accordingly.

3. After the distribution under subparagraphs 1. and 2., 0.0966 0.0956 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

4. After the distributions under subparagraphs 1., 2., and 3., 2.0810 2.0603 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

5. After the distributions under subparagraphs 1., 2., and 3., 1.3653 1.3517 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.
6. Of the remaining proceeds:
   a. In each fiscal year, the sum of $29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties must begin each fiscal year on or before January 5th and continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment must continue until the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards before July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 before July 1, 2000.
   b. The department shall distribute $166,667 monthly to each applicant certified as a facility for a new or retained professional sports franchise pursuant to s. 288.1162. Up to
$41,667 shall be distributed monthly by the department to each certified applicant as defined in s. 288.11621 for a facility for a spring training franchise. However, not more than $416,670 may be distributed monthly in the aggregate to all certified applicants for facilities for spring training franchises. Distributions begin 60 days after such certification and continue for not more than 30 years, except as otherwise provided in s. 288.11621. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided in s. 288.1162(5) or s. 288.11621(3).

c. Beginning 30 days after notice by the Department of Economic Opportunity to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, $166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Department of Economic Opportunity to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, $83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of $999,996 shall be made after certification and before July 1, 2000.
e. The department shall distribute up to $83,333 monthly to each certified applicant as defined in s. 288.11631 for a facility used by a single spring training franchise, or up to $166,667 monthly to each certified applicant as defined in s. 288.11631 for a facility used by more than one spring training franchise. Monthly distributions begin 60 days after such certification or July 1, 2016, whichever is later, and continue for not more than 20 years to each certified applicant as defined in s. 288.11631 for a facility used by a single spring training franchise or not more than 25 years to each certified applicant as defined in s. 288.11631 for a facility used by more than one spring training franchise. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided in s. 288.11631(3).

f. Beginning 45 days after notice by the Department of Economic Opportunity to the Department of Revenue that an applicant has been approved by the Legislature and certified by the Department of Economic Opportunity under s. 288.11625 or upon a date specified by the Department of Economic Opportunity as provided under s. 288.11625(6)(d), the department shall distribute each month an amount equal to one-twelfth of the annual distribution amount certified by the Department of Economic Opportunity for the applicant. The department may not distribute more than $7 million in the 2014-2015 fiscal year or more than $13 million annually thereafter under this sub-
paragraph.

g. Beginning December 1, 2015, and ending June 30, 2016, the department shall distribute $26,286 monthly to the State Transportation Trust Fund. Beginning July 1, 2016, the department shall distribute $15,333 monthly to the State Transportation Trust Fund.

7. All other proceeds must remain in the General Revenue Fund.

Section 17. If a communications services dealer is unable to implement the reduction in communications services tax rates specified in s. 202.12(1)(a) and (b), Florida Statutes, as amended by this act, by July 1, 2015, the dealer must remit all taxes collected at the previous rate during the implementation period to the Department of Revenue, and:

(1) Must begin collecting tax at the rates specified in s. 202.12(1)(a) and (b), Florida Statutes, as amended by this act, by October 1, 2015.

(2) Must credit each customer the amount of any tax collected on bills dated on or after July 1, 2015, which exceeds the tax that is due under s. 202.12(1)(a) and (b), Florida Statutes, as amended by this act. Such credit must be provided to each affected customer's account by March 1, 2016. The inability of a communications services provider to provide a credit to a customer's account due to the customer's termination of service does not create a cause of action against the provider.
(3) May take a credit on its communications services tax return for the amounts that have been credited to customers.

Section 18. Effective upon this act becoming a law, paragraphs (d) and (t) of subsection (1) of section 220.03, Florida Statutes, are amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(d) "Community contribution" means the grant by a business firm of any of the following items:
1. Cash or other liquid assets.
2. Real property.
3. Goods or inventory.
4. Other physical resources as identified by the department.

This paragraph expires June 30, 2018 on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

(t) "Project" means any activity undertaken by an eligible sponsor, as defined in s. 220.183(2)(c), which is designed to construct, improve, or substantially rehabilitate housing that is affordable to low-income or very-low-income households as defined in s. 420.9071(19) and (28); designed to provide housing opportunities for persons with special needs as defined in s.
420.0004; designed to provide commercial, industrial, or public resources and facilities; or designed to improve entrepreneurial and job-development opportunities for low-income persons. A project may be the investment necessary to increase access to high-speed broadband capability in a rural community that had an enterprise zone designated pursuant to chapter 290 as of May 1, 2015. Rural communities with enterprise zones, including projects that result in improvements to communications assets that are owned by a business. A project may include the provision of museum educational programs and materials that are directly related to any project approved between January 1, 1996, and December 31, 1999, and located in an area that was in an enterprise zone designated pursuant to s. 290.0065 as of May 1, 2015. This paragraph does not preclude projects that propose to construct or rehabilitate low-income or very-low-income housing on scattered sites or housing opportunities for persons with special needs as defined in s. 420.0004. With respect to housing, contributions may be used to pay the following eligible project-related activities:

1. Project development, impact, and management fees for special needs, low-income, or very-low-income housing projects;
2. Down payment and closing costs for eligible persons, as defined in s. 420.9071(19) and (28);
3. Administrative costs, including housing counseling and marketing fees, not to exceed 10 percent of the community contribution, directly related to special needs, low-income, or very-low-income housing projects.
very-low-income projects; and

4. Removal of liens recorded against residential property by municipal, county, or special-district local governments when satisfaction of the lien is a necessary precedent to the transfer of the property to an eligible person, as defined in s. 420.9071(19) and (28), for the purpose of promoting home ownership. Contributions for lien removal must be received from a nonrelated third party.

The provisions of this paragraph expire and be void on June 30, 2018.

Section 19. Paragraph (c) of subsection (1), paragraphs (b), (c), and (d) of subsection (2), and subsection (5) of section 220.183, Florida Statutes, are amended to read:

(1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM SPENDING.—

(c) The total amount of tax credit which may be granted for all programs approved under this section, s. 212.08(5)(p), and s. 624.5105 is $18.4 million in the 2015-2016 fiscal year, $21.4 million in the 2016-2017 fiscal year, and $21.4 million in the 2017-2018 fiscal year annually for projects that provide housing opportunities for persons with special needs as defined in s. 420.0004 and homeownership opportunities for low-income households or very-low-income households as defined in s.
420.9071 and $3.5 million annually for all other projects.

(2) ELIGIBILITY REQUIREMENTS.—

(b)1. All community contributions must be reserved exclusively for use in projects as defined in s. 220.03(1)(t).

2. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide housing opportunities for persons with special needs as defined in s. 420.0004 or homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide housing opportunities for persons with special needs as defined in s. 420.0004 or homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for more than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant the tax credits for those applications as follows:

a. If tax credit applications submitted for approved projects of an eligible sponsor do not exceed $200,000 in total, the credit shall be granted in full if the tax credit...
applications are approved.

b. If tax credit applications submitted for approved projects of an eligible sponsor exceed $200,000 in total, the amount of tax credits granted under sub-subparagraph a. shall be subtracted from the amount of available tax credits, and the remaining credits shall be granted to each approved tax credit application on a pro rata basis.

3. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide housing opportunities for persons with special needs as defined in s. 420.0004 or homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year.

If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide housing opportunities for persons with special needs as defined in s. 420.0004 or homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for more than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant the tax credits for those applications.
on a pro rata basis.

(c) The project must be undertaken by an "eligible sponsor," defined here as:

1. A community action program;
2. A nonprofit community-based development organization whose mission is the provision of housing for persons with special needs or low-income or very-low-income households or increasing entrepreneurial and job-development opportunities for low-income persons;
3. A neighborhood housing services corporation;
4. A local housing authority, created pursuant to chapter 421;
5. A community redevelopment agency, created pursuant to s. 163.356;
6. A historic preservation district agency or organization;
7. A regional workforce board;
8. A direct-support organization as provided in s. 1009.983;
9. An enterprise zone development agency created pursuant to s. 290.0056;
10. A community-based organization incorporated under chapter 617 which is recognized as educational, charitable, or scientific pursuant to s. 501(c)(3) of the Internal Revenue Code and whose bylaws and articles of incorporation include affordable housing, economic development, or community
development as the primary mission of the corporation;

11. Units of local government;
12. Units of state government; or
13. Such other agency as the Department of Economic Opportunity may, from time to time, designate by rule.

In no event shall a contributing business firm have a financial interest in the eligible sponsor.

(d) The project shall be located in an area that was designated as an enterprise zone pursuant to chapter 290 as of May 1, 2015, or a Front Porch Florida Community. Any project designed to construct or rehabilitate housing for low-income or very-low-income households as defined in s. 420.9071(19) and (28) or provide housing opportunities for persons with special needs as defined in s. 420.0004 is exempt from the area requirement of this paragraph. This section does not preclude projects that propose to construct or rehabilitate housing for low-income or very-low-income households on scattered sites or provide housing opportunities for persons with special needs. Any project designed to provide increased access to high-speed broadband capabilities which includes coverage of a rural enterprise zone may locate the project's infrastructure in any area of a rural county.

(5) EXPIRATION.—The provisions of this section, except paragraph (1)(e), expire and are void on June 30, 2018.
220.1845, Florida Statutes, is amended to read:

220.1845 Contaminated site rehabilitation tax credit.—
(2) AUTHORIZATION FOR TAX CREDIT; LIMITATIONS.—
(f) The total amount of the tax credits which may be granted under this section is $21.6 million in the 2015-2016 fiscal year and $5 million annually thereafter.

Section 21. Subsection (2) of section 220.196, Florida Statutes, is amended to read:

220.196 Research and development tax credit.—
(2) TAX CREDIT.—
(a) As provided in this section Subject to the limitations contained in paragraph (e), a business enterprise is eligible for a credit against the tax imposed by this chapter if it:

1. Has qualified research expenses in this state in the taxable year exceeding the base amount; and, for the same taxable year,

2. Claims and is allowed a research credit for such qualified research expenses under 26 U.S.C. s. 41 for the same taxable year as subparagraph 1.; and

3. Is a qualified target industry business as defined in s. 288.106(2)(n). Only qualified target industry businesses in the manufacturing, life sciences, information technology, aviation and aerospace, homeland security and defense, cloud information technology, marine sciences, materials science, and nanotechnology industries may qualify for a tax credit under
this section. A business applying for a credit pursuant to this section shall include a letter from the Department of Economic Opportunity certifying whether the business meets the requirements of this subparagraph with its application for credit. The Department of Economic Opportunity shall provide such a letter upon receiving a request.

(b) The tax credit shall be 10 percent of the excess qualified research expenses over the base amount. However, the maximum tax credit for a business enterprise that has not been in existence for at least 4 taxable years immediately preceding the taxable year is reduced by 25 percent for each taxable year for which the business enterprise, or a predecessor corporation that was a business enterprise, did not exist.

(c) The credit taken in any taxable year may not exceed 50 percent of the business enterprise’s remaining net income tax liability under this chapter after all other credits have been applied under s. 220.02(8).

(d) Any unused credit authorized under this section may be carried forward and claimed by the taxpayer for up to 5 years.

(e) The combined total amount of tax credits which may be granted to all business enterprises under this section during any calendar year is $9 million, except that the total amount that may be awarded in the 2016 calendar year is $23 million. Applications may be filed with the department on or after March 20 and before March 27 for qualified research expenses incurred
within the preceding calendar year. If the total, and credits
for all applicants exceed the maximum amount allowed under this
paragraph, the credits shall be allocated on a prorated basis
granted in the order in which completed applications are
received.

Section 22. Subsections (4), (5), and (11) of section
376.30781, Florida Statutes, are amended to read:

376.30781 Tax credits for rehabilitation of drycleaning-
solvent-contaminated sites and brownfield sites in designated
brownfield areas; application process; rulemaking authority;
revocation authority.—

(4) The Department of Environmental Protection is
responsible for allocating the tax credits provided for in s.
220.1845, which may not exceed a total of $21.6 million in tax
credits in the 2015-2016 fiscal year and $5 million in tax
credits annually thereafter.

(5) To claim the credit for site rehabilitation or solid
waste removal, each tax credit applicant must apply to the
Department of Environmental Protection for an allocation of the
$5 million annual credit provided in s. 220.1845 by filing a tax
credit application with the Division of Waste Management on a
form developed by the Department of Environmental Protection in
cooperation with the Department of Revenue. The form shall
include an affidavit from each tax credit applicant certifying
that all information contained in the application, including all
records of costs incurred and claimed in the tax credit
application, are true and correct. If the application is submitted pursuant to subparagraph (3)(a)2., the form must include an affidavit signed by the real property owner stating that it is not, and has never been, the owner or operator of the drycleaning facility where the contamination exists. Approval of tax credits must be accomplished on a first-come, first-served basis based upon the date and time complete applications are received by the Division of Waste Management, subject to the limitations of subsection (14). To be eligible for a tax credit, the tax credit applicant must:

(a) For site rehabilitation tax credits, have entered into a voluntary cleanup agreement with the Department of Environmental Protection for a drycleaning-solvent-contaminated site or a Brownfield Site Rehabilitation Agreement, as applicable, and have paid all deductibles pursuant to s. 376.3078(3)(e) for eligible drycleaning-solvent-cleanup program sites, as applicable. A site rehabilitation tax credit applicant must submit only a single completed application per site for each calendar year's site rehabilitation costs. A site rehabilitation application must be received by the Division of Waste Management of the Department of Environmental Protection by January 31 of the year after the calendar year for which site rehabilitation costs are being claimed in a tax credit application. All site rehabilitation costs claimed must have been for work conducted between January 1 and December 31 of the year for which the application is being submitted. All payment...
requests must have been received and all costs must have been paid prior to submittal of the tax credit application, but no later than January 31 of the year after the calendar year for which site rehabilitation costs are being claimed.

(b) For solid waste removal tax credits, have entered into a brownfield site rehabilitation agreement with the Department of Environmental Protection. A solid waste removal tax credit applicant must submit only a single complete application per brownfield site, as defined in the brownfield site rehabilitation agreement, for solid waste removal costs. A solid waste removal tax credit application must be received by the Division of Waste Management of the Department of Environmental Protection subsequent to the completion of the requirements listed in paragraph (3)(e).

(11) If a tax credit applicant does not receive a tax credit allocation due to an exhaustion of the $5 million annual tax credit provided in s. 220.1845 authorization, such application will then be included in the same first-come, first-served order in the next year's annual tax credit allocation, if any, based on the prior year application.

Section 23. Subsection (8) of section 624.509, Florida Statutes, is amended to read:

624.509 Premium tax; rate and computation.—

(8) The premium tax authorized by this section may not be imposed on:

(a) Any portion of the title insurance premium, as defined
in s. 627.7711, retained by a title insurance agent or agency.
It is the intent of the Legislature that the continuation of
this exemption be contingent on title insurers adding employees
to their payroll. Between July 1, 2014, and July 1, 2016, title
insurers currently holding a valid certificate of authority from
this state shall, in the aggregate, add a minimum of 600
Florida-based employees to their payroll, as verified by the
Department of Economic Opportunity. The department shall submit
such verification to the President of the Senate and the Speaker
of the House of Representatives by October 1, 2016. This
paragraph expires December 31, 2017, unless reenacted by the
Department of Economic Opportunity determines that title
insurers holding a valid certificate of authority as of July 1,
2014, have added, in aggregate, at least 600 Florida-based full-
time equivalent positions above those existing on July 1, 2014,
including positions obtained from a temporary employment agency
or employee leasing company or through a union agreement or
coemployment under a professional employer organization
agreement by July 1, 2017. For purposes of this paragraph, the
term "full-time equivalent position" means a position in which
the employee works an average of at least 36 hours per week each
month.

1. The Department of Economic Opportunity may verify
information provided by title insurers concerning additional
positions created with any appropriate agency or authority,
including the Department of Revenue.
2. To facilitate verification of additional positions created by title insurers, the Department of Economic Opportunity may provide a list of employees holding additional positions created by title insurers to any appropriate agency or authority, including the Department of Revenue.

3. The Department of Economic Opportunity shall submit such determination to the President of the Senate, the Speaker of the House of Representatives, and the Department of Revenue by October 1, 2017. Legislature before that date; or

(b) Receipts of annuity premiums or considerations paid by holders in this state if the tax savings derived are credited to the annuity holders. Upon request by the Department of Revenue, an insurer availing itself of this provision shall submit to the department evidence that establishes that the tax savings derived have been credited to annuity holders. As used in this paragraph, the term "holders" includes employers contributing to an employee's pension, annuity, or profit-sharing plan.

Section 24. Paragraph (c) of subsection (1), paragraphs (d) and (e) of subsection (2), and subsection (6) of section 624.5105, Florida Statutes, are amended to read:

624.5105 Community contribution tax credit; authorization; limitations; eligibility and application requirements; administration; definitions; expiration.—

(1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.—

(c) The total amount of tax credit which may be granted for all programs approved under this section and ss.
212.08(5)(p) and 220.183 is $18.4 million in the 2015-2016 fiscal year, $21.4 million in the 2016-2017 fiscal year, and $21.4 million in the 2017-2018 fiscal year annually for projects that provide housing opportunities for persons with special needs as defined in s. 420.0004 or homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071 and $3.5 million annually for all other projects.

(2) ELIGIBILITY REQUIREMENTS.—

(d) The project shall be located in an area that was designated as an enterprise zone pursuant to chapter 290 as of May 1, 2015, or a Front Porch Community. Any project designed to provide housing opportunities for persons with special needs as defined in s. 420.0004 or to construct or rehabilitate housing for low-income or very-low-income households as defined in s. 420.9071(19) and (28) is exempt from the area requirement of this paragraph.

(e)1. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide housing opportunities for persons with special needs as defined in s. 420.0004 or homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for less than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before
the end of the state fiscal year. If, during the first 10
business days of the state fiscal year, eligible tax credit
applications for projects that provide housing opportunities for
persons with special needs as defined in s. 420.0004 or
homeownership opportunities for low-income or very-low-income
households as defined in s. 420.9071(19) and (28) are received
for more than the annual tax credits available for those
projects, the Department of Economic Opportunity shall grant the
tax credits for those applications as follows:
   a. If tax credit applications submitted for approved
projects of an eligible sponsor do not exceed $200,000 in total,
the credits shall be granted in full if the tax credit
applications are approved.
   b. If tax credit applications submitted for approved
projects of an eligible sponsor exceed $200,000 in total, the
amount of tax credits granted under sub-subparagraph a. shall be
subtracted from the amount of available tax credits, and the
remaining credits shall be granted to each approved tax credit
application on a pro rata basis.

2. If, during the first 10 business days of the state
fiscal year, eligible tax credit applications for projects other
than those that provide housing opportunities for persons with
special needs as defined in s. 420.0004 or homeownership
opportunities for low-income or very-low-income households as
defined in s. 420.9071(19) and (28) are received for less than
the annual tax credits available for those projects, the
Department of Economic Opportunity shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for any subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide housing opportunities for persons with special needs as defined in s. 420.0004 or homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071(19) and (28) are received for more than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant the tax credits for those applications on a pro rata basis.

(6) EXPiration.—The provisions of this section, except paragraph (1)(e), expire and are void on June 30, 2016.

Section 25. For the purpose of incorporating the amendment made by this act to section 220.183, Florida Statutes, in a reference thereto, subsection (8) of section 220.02, Florida Statutes, is reenacted to read:

220.02 Legislative intent.—

(8) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 220.195,
those enumerated in s. 220.184, those enumerated in s. 220.186,
those enumerated in s. 220.1845, those enumerated in s. 220.19,
those enumerated in s. 220.185, those enumerated in s. 220.1875,
those enumerated in s. 220.192, those enumerated in s. 220.193,
those enumerated in s. 288.9916, those enumerated in s. 220.1899, those enumerated in s. 220.194, and those enumerated in s. 220.196.

Section 26. For the purpose of incorporating the amendment made by this act to section 624.5105, Florida Statutes, in a reference thereto, paragraph (g) of subsection (1) of section 220.183, Florida Statutes, is reenacted to read:

220.183 Community contribution tax credit.—

(1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM SPENDING.—

(g) A taxpayer who is eligible to receive the credit provided for in s. 624.5105 is not eligible to receive the credit provided by this section.

Section 27. For the purpose of incorporating the amendments made by this act to sections 212.08, 220.183, and 624.5105, Florida Statutes, in references thereto, paragraph (a) of subsection (4) of section 377.809, Florida Statutes, is reenacted to read:

377.809 Energy Economic Zone Pilot Program.—

(4)(a) Beginning July 1, 2012, all the incentives and benefits provided for enterprise zones pursuant to state law
shall be available to the energy economic zones designated pursuant to this section on or before July 1, 2010. In order to provide incentives, by March 1, 2012, each local governing body that has jurisdiction over an energy economic zone must, by local ordinance, establish the boundary of the energy economic zone, specify applicable energy-efficiency standards, and determine eligibility criteria for the application of state and local incentives and benefits in the energy economic zone. However, in order to receive benefits provided under s. 288.106, a business must be a qualified target industry business under s. 288.106 for state purposes. An energy economic zone's boundary may be revised by local ordinance. Such incentives and benefits include those in ss. 212.08, 212.096, 220.181, 220.182, 220.183, 288.106, and 624.5105 and the public utility discounts provided in s. 290.007(8). The exemption provided in s. 212.08(5)(c) shall be for renewable energy as defined in s. 377.803. For purposes of this section, any applicable requirements for employee residency for higher refund or credit thresholds must be based on employee residency in the energy economic zone or an enterprise zone. A business in an energy economic zone may also be eligible for funding under ss. 288.047 and 445.003, and a transportation project in an energy economic zone shall be provided priority in funding under s. 339.2821. Other projects shall be given priority ranking to the extent practicable for grants administered under state energy programs.

Section 28. Clothes, school supplies, and personal
computers and personal computer-related accessories sales tax holiday.—

(1) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from 12:01 a.m. on August 7, 2015, through 11:59 p.m. on August 16, 2015, on the retail sale of:

(a) Clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, having a sales price of $100 or less per item. As used in this paragraph, the term "clothing" means:

1. Any article of wearing apparel intended to be worn on or about the human body, excluding watches, watchbands, jewelry, umbrellas, and handkerchiefs; and

2. All footwear, excluding skis, swim fins, roller blades, and skates.

(b) School supplies having a sales price of $15 or less per item. As used in this paragraph, the term "school supplies" means pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, binders, lunch boxes, construction paper, markers, folders, poster board, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, computer disks, protractors, compasses, and calculators.

(2) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from 12:01 a.m. on August 7, 2015, through 11:59 p.m. on August 16, 2015, on the
first $750 of the sales price of personal computers or personal computer-related accessories purchased for noncommercial home or personal use. As used in this subsection, the term:

(a) "Personal computers" includes electronic book readers, laptops, desktops, handhelds, tablets, or tower computers. The term does not include cellular telephones, video game consoles, digital media receivers, or devices that are not primarily designed to process data.

(b) "Personal computer-related accessories" includes keyboards, mice, personal digital assistants, monitors, other peripheral devices, modems, routers, and nonrecreational software, regardless of whether the accessories are used in association with a personal computer base unit. The term does not include furniture or systems, devices, software, or peripherals that are designed or intended primarily for recreational use.

(c) "Monitors" does not include devices that include a television tuner.

(3) The tax exemptions provided in this section do not apply to sales within a theme park or entertainment complex as defined in s. 509.013(9), Florida Statutes, within a public lodging establishment as defined in s. 509.013(4), Florida Statutes, or within an airport as defined in s. 330.27(2), Florida Statutes.

(4) The Department of Revenue may, and all conditions are deemed met to, adopt emergency rules pursuant to ss. 120.536(1)
and 120.54, Florida Statutes, to administer this section.

(5) For the 2015-2016 fiscal year, the sum of $233,730 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of implementing this section.

Section 29. (1) The tax levied under chapter 212, Florida Statutes, may not be collected on the retail sale of textbooks that are required or recommended for use in a course offered by a public postsecondary educational institution as described in s. 1000.04, Florida Statutes, or a nonpublic postsecondary educational institution that is eligible to participate in a tuition assistance program authorized by s. 1009.89 or s. 1009.891, Florida Statutes. As used in this section, the term "textbook" means any required or recommended manual of instruction or any instructional materials for any field of study. As used in this section, the term "instructional materials" means any educational materials, in printed or digital format, that are required or recommended for use in a course in any field of study. To demonstrate that a sale is not subject to tax, the student must provide a physical or an electronic copy of the following to the vendor:

(a) The student's identification number; and

(b) An applicable course syllabus or list of required and recommended textbooks and instructional materials that meet the criteria in s. 1004.085(3), Florida Statutes.
The vendor must maintain proper documentation, as prescribed by department rule, to identify the complete transaction or portion of the transaction that involves the sale of textbooks that are not subject to tax.

(2) The tax exemptions provided in this section do not apply to sales within a theme park or entertainment complex as defined in s. 509.013(9), Florida Statutes, within a public lodging establishment as defined in s. 509.013(4), Florida Statutes, or within an airport as defined in s. 330.27(2), Florida Statutes.

(3) The Department of Revenue may, and all conditions are deemed met to, adopt emergency rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to administer this section.

(4) This section is repealed June 30, 2016.

Section 30. (1) A business may apply to the Department of Economic Opportunity for the incentives specified in subsection (2) if each of the following criteria is satisfied:

(a) The business has entered into a contract with the Department of Economic Opportunity for a project under ss. 288.0659, 288.1045, 288.106, 288.107, 288.108, 288.1088, or 288.1089, Florida Statutes, between January 1, 2012, and July 1, 2015.

(b) The contract is deemed active by the Department of Economic Opportunity and has not expired or been terminated.

(c) The project that is the subject of the contract is located within the boundaries of an enterprise zone designated
pursuant to chapter 290, Florida Statutes, as the boundaries
existed on May 1, 2015.

(2) For a project described under paragraph (1)(c), a
business qualified under subsection (1) may apply for the
following incentives:

(a) The property tax exemption for a licensed child care
facility under s. 196.095, Florida Statutes 2014.

(b) The building sales tax refund under s. 212.08(5)(g),
Florida Statutes 2014.

(c) The business property sales tax refund under s.
212.08(5)(h), Florida Statutes 2014.

(d) The electrical energy sales tax exemption under s.
212.08(15), Florida Statutes 2014.

(e) The enterprise zone jobs tax credit under s. 212.096,
Florida Statutes 2014.

(f) The enterprise zone jobs tax credit under s. 220.181,
Florida Statutes 2014.

(g) The enterprise zone property tax credit under s.
220.182, Florida Statutes 2014.

(3) The Department of Economic Opportunity must provide a
list of businesses that are qualified under subsection (1) to
the Department of Revenue by December 31, 2015. The Department
of Economic Opportunity must also provide notice to the
Department of Revenue within 10 days after the expiration or
termination of a contract.

(4) From January 1, 2016, to December 31, 2018, the
Department of Economic Opportunity is designated to perform all
the duties and responsibilities that were performed by the
governing body or enterprise zone development agency having
jurisdiction over the enterprise zone under ss. 196.095,
212.08(5)(g) and (h), 212.08(15), 212.096, 220.181, and 220.182,
Florida Statutes 2014, including receipt and review of
applications and verifications.

(5) The incentives described in subsection (2) are to be
treated as if they had not expired on December 31, 2015.
(6) This section is effective January 1, 2016, and expires
on December 31, 2018.

Section 31. For the 2015-2016 fiscal year, the sum of
$44,060 in nonrecurring funds is appropriated from the General
Revenue Fund to the Department of Revenue for the purpose of
implementing the amendments made by this act to chapter 202,
Florida Statutes, and s. 203.001, Florida Statutes.

Section 32. If any law amended by this act was also
amended by a law enacted during the 2015 Regular Session of the
Legislature, such laws shall be construed as if enacted during
the same session of the Legislature, and full effect shall be
given to each if possible.

Section 33. Except as otherwise expressly provided in this
act and except for this section, which shall take effect upon
this act becoming a law, this act shall take effect July 1,
2015.
Issue: ERCCD Update

Proposed action: Information only

Background information:

At a previous BOT meeting several questions were posed by Trustees regarding the ERCCD operation and in particular how UWF’s center compares to others ERCCDs in the State University System. This presentation is intended to answer those questions and provide some context into the operation of the ERCCD.

Recommendation: Information only

Implementation Plan: None.

Fiscal Implications: None.

Supporting documentation: PPT

Prepared and Presented by:
Dr. James R. Hurd, Senior Associate Vice President for Student Affairs, (850)474-2214, jhurd@uwf.edu

Mrs. Cynthia Watson, Director, ERCCD, (850)474-2195, cwatson@uwf.edu
Board Questions

• Nature of other SUS childcare operations?

• Rates at other centers?

• Are any privately operated or built under a P3 model?

• How can we increase childcare access?
Spring 2015 Parent Survey

Percent Rating Program as Excellent

- Supports mission of Center
- Clean/condition of bldg
- Welcomed, accepted & respected
- Admin staff - helpful & supportive
- Hours of operation/holidays
- General policies/procedures
- Tuition payment policy

2013-2014

2014-2015
Impact on Student Enrollment and Retention

- Not able to take classes:
  - 2013-2014: 40%
  - 2014-2015: 60%

- Take limited classes:
  - 2013-2014: 40%
  - 2014-2015: 60%

- Not affect class enrollment:
  - 2013-2014: 20%
  - 2014-2015: 0%
The supportive leadership recognizes and values each individual.

Developmentally appropriate classroom activities aligned to the school curriculum.

Staff are actively involved with children in a loving and nurturing manner consistent with the purpose and mission of the program.

The facility provides an aesthetically pleasing and welcoming atmosphere.

The staff engages in effective daily communication with parents.

The institution exceeds expectations for enthusiasm and dedication of the staff and parent satisfaction.
In the SUS

- 10 of 12 have an ERCCD
  - NCF & FPU do not offer childcare
- No ERCCD is privately operated
  - 6 report to Student Affairs
  - 3 report to College of Education
  - 1 reports to HR
- UCF had KinderCare but closed it
- USF has both ERCCD and Bright Horizons
## Rate Comparison

### Student Rates (full time childcare enrollment)

<table>
<thead>
<tr>
<th></th>
<th>Infants</th>
<th>1s</th>
<th>2s</th>
<th>3s</th>
<th>4s</th>
<th>VPK-Wrap</th>
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<td>-</td>
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<td>$135.00</td>
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<td>-24%</td>
<td>-18%</td>
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Comments on Private Centers

- **UCF Kindercare**
  - Closed due to quality and enrollment concerns

- **USF Bright Horizons**
  - Has not achieved capacity (120)
  - Open to community
  - USF affiliated make up 50%-60% of enrollment
  - USF affiliated receive some price break over community
  - Few students enroll (no student rate)
• Public Private Partnerships
  – UCF had ground lease for KinderCare and had to buy out facility cost to cancel the contract.
  – USF Bright Horizons is a ground lease.
## Student Fee Support and Its Impact (FY15)

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<tr>
<td>Activity and Service Fee Allocation</td>
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<td>CITF Allocation</td>
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<td>$ 106,736.00</td>
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Average Rate Increase Required to Replace Student Fees (Maintaining Student Discount Ratio) 16%

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<tr>
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<th>Infant/Toddler</th>
<th>3s and 4s</th>
<th>Infant/Toddler</th>
<th>3s and 4s</th>
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<td>Faculty/Staff</td>
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CITF Operating Allocation v. Center Enrollment

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<tr>
<td>Percentage</td>
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Expansion

• Two tracks
  – Expand current ERCCD within its traditional scope and student preference policies.
  – Develop a supplemental facility to meet additional Faculty and Staff needs

• Prioritize existing plans for 2 additional rooms at ERCCD
  – Funding through Facility Reserve, CITF, or other available resources

• Request that BEI explore developing a center to serve Faculty/Staff
Questions?