

By Senators Grant, Holzendorf, Horne, Clary, Cowin, Diaz-Balart, Latvala, Dyer, Silver, Casas, Klein, Kurth, Kirkpatrick, Turner, Williams, Sullivan, Rossin, Crist, Harris, Forman, Thomas, Meadows, Lee, Burt, Bronson, McKay and Dudley

13-744-98

See HB 755

1                                   A bill to be entitled  
 2           An act relating to postsecondary education;  
 3           amending s. 110.131, F.S.; deleting the  
 4           requirement that the Board of Regents comply  
 5           with recordkeeping and reporting requirements  
 6           for other-personal-services employment;  
 7           amending s. 235.055, F.S.; deleting authority  
 8           of the Board of Regents to construct facilities  
 9           on leased property and enter into certain  
 10          leases; amending s. 235.195, F.S.; modifying  
 11          provisions relating to joint-use facilities;  
 12          amending s. 240.1201, F.S.; classifying  
 13          specified Canadian military personnel as  
 14          residents for tuition purposes; amending s.  
 15          240.147, F.S.; correcting a cross-reference;  
 16          amending s. 240.205, F.S.; revising the  
 17          acquisition and contracting authority of the  
 18          Board of Regents; amending s. 240.209, F.S.;  
 19          authorizing procedures to administer an  
 20          acquisition program; authorizing the Board of  
 21          Regents to sell, convey, transfer, exchange,  
 22          trade, or purchase real property and related  
 23          improvements; providing requirements; amending  
 24          s. 240.214, F.S.; revising provisions relating  
 25          to the State University System accountability  
 26          process; amending s. 240.227, F.S.; revising  
 27          the acquisition and contracting authority of  
 28          university presidents; authorizing adjustment  
 29          of property records and disposal of certain  
 30          tangible personal property; amending s.  
 31          243.151, F.S.; providing a procedure under

1           which a university may construct facilities on  
2           leased property; amending s. 287.012, F.S.;  
3           excluding the Board of Regents and the State  
4           University System from the term "agency" for  
5           purposes of state procurement of commodities  
6           and services; repealing ss. 240.225, 240.247,  
7           240.4988(4), 287.017(3), F.S., relating to  
8           delegation of authority by the Department of  
9           Management Services to the State University  
10          System, eradication of salary discrimination,  
11          Board of Regents' rules for the Theodore R. and  
12          Vivian M. Johnson Scholarship Program, and  
13          applicability of purchasing category rules to  
14          the State University System; amending s.  
15          240.2475, F.S., relating to the State  
16          University System equity accountability  
17          program; requiring each state university to  
18          maintain an equity plan to increase the  
19          representation of women and minorities in  
20          faculty and administrative positions; providing  
21          for the submission of reports; requiring the  
22          development of a plan for achievement of  
23          equity; providing for administrative  
24          evaluations; requiring the development of a  
25          budgetary incentive plan; providing for an  
26          appropriation; amending s. 240.3355, F.S.,  
27          relating to the State Community College System  
28          equity accountability program; requiring each  
29          community college to maintain a plan to  
30          increase the representation of women and  
31          minorities in faculty and administrative

1 positions; providing contents of an employment  
2 accountability plan; requiring the development  
3 of a plan for corrective action; providing for  
4 administrative evaluations; providing for  
5 submission of reports; requiring the  
6 development of a budgetary incentive plan;  
7 providing an effective date.  
8

9 Be It Enacted by the Legislature of the State of Florida:  
10

11 Section 1. Paragraph (a) of subsection (6) of section  
12 110.131, Florida Statutes, is amended to read:

13 110.131 Other-personal-services temporary  
14 employment.--

15 (6)(a) The provisions of subsections (2), (3), and (4)  
16 do not apply to any employee for whom the Board of Regents or  
17 the Board of Trustees of the Florida School for the Deaf and  
18 the Blind is the employer as defined in s. 447.203(2); except  
19 that, for purposes of subsection (5), ~~the Board of Regents and~~  
20 the Board of Trustees of the Florida School for the Deaf and  
21 the Blind shall comply with the recordkeeping and reporting  
22 requirements adopted by the department pursuant to subsection  
23 (3) with respect to those other-personal-services employees  
24 exempted by this subsection.

25 Section 2. Section 235.055, Florida Statutes, is  
26 amended to read:

27 235.055 Construction of facilities on leased property;  
28 conditions.--

29 (1) A board may ~~Boards, including the Board of~~  
30 ~~Regents, are authorized to~~ construct or place educational  
31 facilities and ancillary facilities on land which is owned by

1 any person after the board has acquired from the owner of the  
2 land a long-term lease for the use of this land for a period  
3 of not less than 40 years or the life expectancy of the  
4 permanent facilities constructed thereon, whichever is longer.

5 (2) A board may, ~~including the Board of Regents, is~~  
6 ~~authorized to~~ enter into a short-term lease for the use of  
7 land owned by any person on which temporary or relocatable  
8 facilities are to be utilized.

9 Section 3. Subsections (2) and (4) of section 235.195,  
10 Florida Statutes, are amended to read:

11 235.195 Cooperative development and use of facilities  
12 by two or more boards.--

13 (2) An educational plant survey must be conducted  
14 within 90 days after submission of the joint resolution and  
15 substantiating data describing the benefits to be obtained,  
16 the programs to be offered, and the estimated cost of the  
17 proposed project. Upon completion of the educational plant  
18 survey, the participating boards may include the recommended  
19 projects in their plan ~~as provided in s. 235.16. Upon approval~~  
20 ~~of the project by the commissioner, up to 25 percent of the~~  
21 ~~total cost of the project must be included in the department's~~  
22 ~~legislative capital outlay budget request as provided in s.~~  
23 ~~235.41 for educational plants.~~ The participating boards must  
24 include in their joint resolution a commitment to finance the  
25 remaining funds necessary to complete the planning,  
26 construction, and equipping of the facility. Funds from the  
27 Public Education Capital Outlay and Debt Service Trust Fund  
28 may not be expended on any project unless specifically  
29 authorized by the Legislature.

30 (4) ~~No school board, community college, or state~~  
31 ~~university shall receive funding for more than one approved~~

1 ~~joint-use facility in any 5-year period effective August 1,~~  
2 ~~1990. All projects previously approved under the provisions of~~  
3 ~~this section shall not be affected. The first year of the~~  
4 ~~5-year period shall be the first year a board receives an~~  
5 ~~appropriation.~~

6 Section 4. Paragraph (j) is added to subsection (10)  
7 of section 240.1201, Florida Statutes, to read:

8 240.1201 Determination of resident status for tuition  
9 purposes.--Students shall be classified as residents or  
10 nonresidents for the purpose of assessing tuition fees in  
11 public community colleges and universities.

12 (10) The following persons shall be classified as  
13 residents for tuition purposes:

14 (j) Active duty members of the Canadian military  
15 residing or stationed in this state under the North American  
16 Air Defense (NORAD) agreement, and their spouses and dependent  
17 children, attending a public community college or university  
18 within 50 miles of the military establishment where they are  
19 stationed.

20 Section 5. Subsection (4) of section 240.147, Florida  
21 Statutes, is amended to read:

22 240.147 Powers and duties of the commission.--The  
23 commission shall:

24 (4) Recommend to the State Board of Education  
25 contracts with independent institutions to conduct programs  
26 consistent with the state master plan for postsecondary  
27 education. In making recommendations, the commission shall  
28 consider the annual report submitted by the Board of Regents  
29 pursuant to s. 240.209(3)(s)~~s. 240.209(3)(r)~~. Each program  
30 shall be reviewed, with the cooperation of the institution,  
31 every 5 years.

1           Section 6. Subsection (6) of section 240.205, Florida  
2 Statutes, is amended to read:

3           240.205 Board of Regents incorporated.--The Board of  
4 Regents is hereby created as a body corporate with all the  
5 powers of a body corporate for all the purposes created by, or  
6 that may exist under, the provisions of this chapter or laws  
7 amendatory hereof and shall:

8           (6) Acquire real and personal property and contract  
9 for the sale and disposal of same and approve and execute  
10 contracts for the acquisition of commodities, goods,  
11 equipment, contractual or services, including educational  
12 ~~services for leases of real and personal property, and for~~  
13 ~~construction, in accordance with chapter 287, as applicable.~~

14 The acquisition may include purchase by installment or  
15 lease-purchase. Such contracts may provide for payment of  
16 interest on the unpaid portion of the purchase price. The  
17 board may also acquire the same commodities, goods, equipment,  
18 contractual services, leases, and construction, as designated  
19 ~~for the board, for use by a university when the contractual~~  
20 ~~obligation exceeds \$1 million \$500,000.~~ Title to all real  
21 property, however acquired, shall be vested in the Board of  
22 Trustees of the Internal Improvement Trust Fund and shall be  
23 transferred and conveyed by it. Notwithstanding any other  
24 provisions of this subsection, the Board of Regents shall  
25 comply with the provisions of s. 287.055 for the procurement  
26 of professional services as defined therein.

27           Section 7. Paragraphs (e) and (r) of subsection (3) of  
28 section 240.209, Florida Statutes, are amended, and subsection  
29 (9) is added to that section, to read:

30           240.209 Board of Regents; powers and duties.--

31           (3) The board shall:

1           (e) Establish student fees.

2           1. By no later than December 1 of each year, the board  
3 shall raise the systemwide standard for resident undergraduate  
4 matriculation and financial aid fees for the subsequent fall  
5 term, up to but no more than 25 percent of the prior year's  
6 cost of undergraduate programs. In implementing this  
7 paragraph, fees charged for graduate, medical, veterinary, and  
8 dental programs may be increased by the Board of Regents in  
9 the same percentage as the increase in fees for resident  
10 undergraduates. However, in the absence of legislative action  
11 to the contrary in an appropriations act, the board may not  
12 approve annual fee increases for resident students in excess  
13 of 10 percent. The sum of nonresident student matriculation  
14 and tuition fees must be sufficient to defray the full cost of  
15 undergraduate education. Graduate, medical, veterinary, and  
16 dental fees charged to nonresidents may be increased by the  
17 board in the same percentage as the increase in fees for  
18 nonresident undergraduates. However, in implementing this  
19 policy and in the absence of legislative action to the  
20 contrary in an appropriations act, annual fee increases for  
21 nonresident students may not exceed 25 percent. In the absence  
22 of legislative action to the contrary in the General  
23 Appropriations Act, the fees shall go into effect for the  
24 following fall term.

25           2. When the appropriations act requires a new fee  
26 schedule, the board shall establish a systemwide standard fee  
27 schedule required to produce the total fee revenue established  
28 in the appropriations act based on the product of the assigned  
29 enrollment and the fee schedule. The board may approve the  
30 expenditure of any fee revenues resulting from the product of  
31

1 the fee schedule adopted pursuant to this section and the  
2 assigned enrollment.

3           3. Upon provision of authority in a General  
4 Appropriations Act to spend revenue raised pursuant to this  
5 section, the board shall approve a university request to  
6 implement a matriculation and out-of-state tuition fee  
7 schedule which is calculated to generate revenue which varies  
8 no more than 10 percent from the standard fee revenues  
9 authorized through an appropriations act. In implementing an  
10 alternative fee schedule, the increase in cost to a student  
11 taking 15 hours in one term shall be limited to 5 percent.  
12 Matriculation and out-of-state tuition fee revenues generated  
13 as a result of this provision are to be expended for  
14 implementing a plan for achieving accountability goals adopted  
15 pursuant to s. 240.214(2) and for implementing a Board of  
16 Regents-approved plan to contain student costs by reducing the  
17 time necessary for graduation without reducing the quality of  
18 instruction. The plans shall be recommended by a  
19 universitywide committee, at least one-half of whom are  
20 students appointed by the student body president. A  
21 chairperson, appointed jointly by the university president and  
22 the student body president, shall vote only in the case of a  
23 tie.

24           4. The board is authorized to collect for financial  
25 aid purposes an amount not to exceed 5 percent of the student  
26 tuition and matriculation fee per credit hour. The revenues  
27 from fees are to remain at each campus and replace existing  
28 financial aid fees. Such funds shall be disbursed to students  
29 as quickly as possible. The board shall specify specific  
30 limits on the percent of the fees collected in a fiscal year  
31 which may be carried forward unexpended to the following



1 fiscal year. A minimum of 50 percent of funds from the student  
2 financial aid fee shall be used to provide financial aid based  
3 on absolute need. A student who has received an award prior to  
4 July 1, 1984, shall have his or her eligibility assessed on  
5 the same criteria that was used at the time of his or her  
6 original award.

7           5. The board may recommend to the Legislature an  
8 appropriate systemwide standard matriculation and tuition fee  
9 schedule.

10           6. The Education and General Student and Other Fees  
11 Trust Fund is hereby created, to be administered by the  
12 Department of Education. Funds shall be credited to the trust  
13 fund from student fee collections and other miscellaneous fees  
14 and receipts. The purpose of the trust fund is to support the  
15 instruction and research missions of the State University  
16 System. Notwithstanding the provisions of s. 216.301, and  
17 pursuant to s. 216.351, any balance in the trust fund at the  
18 end of any fiscal year shall remain in the trust fund and  
19 shall be available for carrying out the purposes of the trust  
20 fund.

21           (r) Adopt such rules as are necessary to carry out its  
22 duties and responsibilities, including, but not limited to,  
23 procedures to administer an acquisition program for the  
24 purchase or lease of real and personal property and  
25 contractual services pursuant to s. 240.205(6).

26           (9) Notwithstanding the provisions of s. 253.025, the  
27 Board of Regents may, with the consent of the Board of  
28 Trustees of the Internal Improvement Trust Fund, sell, convey,  
29 transfer, exchange, trade, or purchase real property and  
30 related improvements necessary and desirable to serve the

31

1 needs and purposes of a university in the State University  
2 System.

3 (a) The board may secure appraisals and surveys. The  
4 board shall comply with the rules of the Board of Trustees of  
5 the Internal Improvement Trust Fund in securing appraisals.  
6 Whenever the board finds it necessary for timely property  
7 acquisition, it may contract, without the need for competitive  
8 selection, with one or more appraisers whose names are  
9 contained on the list of approved appraisers maintained by the  
10 Division of State Lands in the Department of Environmental  
11 Protection.

12 (b) The board may negotiate and enter into an option  
13 contract before an appraisal is obtained. The option contract  
14 must state that the final purchase price may not exceed the  
15 maximum value allowed by law. The consideration for such an  
16 option contract may not exceed 10 percent of the estimate  
17 obtained by the board or 10 percent of the value of the  
18 parcel, whichever is greater, unless otherwise authorized by  
19 the board.

20 (c) This subsection is not intended to abrogate in any  
21 manner the authority delegated to the Board of Trustees of the  
22 Internal Improvement Trust Fund or the Division of State Lands  
23 to approve a contract for purchase of state lands or to  
24 require policies and procedures to obtain clear legal title to  
25 parcels purchased for state purposes. Title to property  
26 acquired by the board shall vest in the Board of Trustees of  
27 the Internal Improvement Trust Fund.

28 Section 8. Section 240.214, Florida Statutes, is  
29 amended to read:

30 240.214 State University System accountability  
31 process.--It is the intent of the Legislature that an

1 accountability process be implemented which provides for the  
2 systematic, ongoing evaluation of quality and effectiveness in  
3 the State University System. It is further the intent of the  
4 Legislature that this accountability process monitor  
5 performance at the system level in each of the major areas of  
6 instruction, research, and public service, while recognizing  
7 the differing missions of each of the state universities. The  
8 accountability process shall provide for the adoption of  
9 systemwide performance standards and performance goals for  
10 each standard identified through a collaborative effort  
11 involving the State University System, the Legislature, and  
12 the Governor's Office. These standards and goals shall be  
13 consistent with s. 216.011(1) to maintain congruity with the  
14 performance-based budgeting process. This process requires  
15 that university accountability reports reflect measures  
16 defined through performance-based budgeting. The  
17 performance-based budgeting measures must also reflect the  
18 elements of teaching, research, and service inherent in the  
19 missions of the institutions in the State University System.  
20 ~~The accountability process shall result in an annual~~  
21 ~~accountability report to the Legislature.~~

22 ~~(1) The annual accountability report shall include~~  
23 ~~goals and measurable objectives related to the systemwide~~  
24 ~~strategic plan pursuant to s. 240.209. The plan must include,~~  
25 ~~at a minimum, objectives related to the following measures:~~

26 ~~(a) Total student credit hours;~~

27 ~~(b) Total number of contact hours of instruction~~  
28 ~~produced by faculty, by institution, rank, and course level;~~

29 ~~(c) Pass rates on professional licensure examinations,~~  
30 ~~by institution;~~

31

1           ~~(d) Institutional quality as assessed by followup,~~  
2 ~~such as analyses of employment information on former students,~~  
3 ~~national rankings, and surveys of alumni, parents, clients,~~  
4 ~~and employers;~~

5           ~~(e) Length of time and number of academic credits~~  
6 ~~required to complete an academic degree, by institution and by~~  
7 ~~degree;~~

8           ~~(f) Enrollment, progression, retention, and graduation~~  
9 ~~rates by race and gender;~~

10           ~~(g) Student course demand;~~

11           ~~(h) An analysis of administrative and support~~  
12 ~~functions;~~

13           ~~(i) Every 3 years, beginning 1995-1996, an analysis of~~  
14 ~~the cumulative debt of students; and~~

15           ~~(j) An evaluation of the production of classroom~~  
16 ~~contact hours at each university in comparison to a standard~~  
17 ~~of 12 contact hours per term or 32 contact hours per year for~~  
18 ~~each full-time instructional position and the level of funding~~  
19 ~~provided for instruction.~~

20           (1)~~(2)~~ By December 31 of each year, the Board of  
21 Regents shall submit an ~~the~~ annual accountability report  
22 providing information on the implementation of performance  
23 standards, actions taken to improve university achievement of  
24 performance goals, the achievement of performance goals during  
25 the prior year, and initiatives to be undertaken during the  
26 next year. The accountability reports shall be designed in  
27 consultation with the Governor's Office, the Office of the  
28 Auditor General, and the Legislature.

29           (2)~~(3)~~ The Board of Regents shall recommend in the  
30 annual accountability report any appropriate modifications to  
31 this section.

1           Section 9. Subsections (12) and (13) of section  
2 240.227, Florida Statutes, are amended to read:

3           240.227 University presidents; powers and duties.--The  
4 president is the chief administrative officer of the  
5 university and is responsible for the operation and  
6 administration of the university. Each university president  
7 shall:

8           (12) Approve and execute contracts for the acquisition  
9 of commodities, goods, for equipment, for services, including  
10 educational services, for leases of for real and personal  
11 property, and for construction to be rendered to or by the  
12 university, provided such contracts are made pursuant to rules  
13 of the Board of Regents the provisions of chapter 287, as  
14 applicable, are for the implementation of approved programs of  
15 the university, and do not require expenditures in excess of  
16 \$1 million~~\$500,000~~. The acquisition Goods and equipment may  
17 be made acquired by installment or lease-purchase contract.  
18 Such contracts may provide for the payment of interest on the  
19 unpaid portion of the purchase price. Notwithstanding any  
20 other provisions of this subsection, university presidents  
21 shall comply with the provisions of s. 287.055 for the  
22 procurement of professional services as defined therein.

23           (13) Manage the property and financial resources of  
24 the university, including, but not limited to, having the  
25 authority to adjust property records and dispose of  
26 state-owned tangible personal property in the university's  
27 custody in accordance with procedures established by the Board  
28 of Regents. Notwithstanding the provisions of s. 273.055(5),  
29 all moneys received from the disposition of state-owned  
30 tangible personal property shall be retained by the university  
31 and disbursed for the acquisition of tangible personal

1 property and for all necessary operating expenditures. The  
2 university shall maintain records of the accounts into which  
3 such moneys are deposited pursuant to s. 240.225.

4 Section 10. Present subsection (4) of section 243.151,  
5 Florida Statutes, is renumbered as subsection (5), present  
6 subsection (3) is renumbered as subsection (4) and amended,  
7 and a new subsection (3) is added to that section, to read:

8 243.151 Lease agreements; land, facilities.--

9 (3) Upon approval by the Board of Regents, a  
10 university may:

11 (a) Construct educational facilities on land that is  
12 owned by a direct-support organization, as defined in s.  
13 240.299, or a governmental agency at the federal, state,  
14 county, or municipal level, if the university has acquired a  
15 long-term lease for the use of the land. The lease must be  
16 for at least 40 years or the expected time the facilities to  
17 be constructed on the land are expected to remain in a  
18 condition acceptable for use, whichever is longer.

19 (b) Acquire a short-term lease from one of the  
20 entities listed in paragraph (a) for the use of land, if  
21 adequate temporary or relocatable facilities are available on  
22 the land.

23 (c) Enter into a short-term lease for the use of land  
24 and buildings upon which capital improvements may be made.

25  
26 If sufficient land is not available from any of the entities  
27 listed in paragraph (a), a university may acquire a short-term  
28 lease from a private landowner or developer.

29 (4)(3) Agreements as provided in this section shall be  
30 entered into with an offeror resulting from publicly announced  
31 competitive bids or proposals, except that the university may

1 enter into an agreement with an entity enumerated in paragraph  
2 (3)(a) for leasing land or with a direct-support organization  
3 as provided in s. 240.299, which shall enter into subsequent  
4 agreements for financing and constructing the project after  
5 receiving competitive bids or proposals. Any facility  
6 constructed, lease-purchased, or purchased under such  
7 agreements, whether erected on land under the jurisdiction of  
8 the university or not, shall conform to the construction  
9 standards and codes applicable to university facilities. The  
10 Board of Regents shall adopt such rules as are necessary to  
11 carry out its duties and responsibilities imposed by this  
12 section.

13 Section 11. Subsection (1) of section 287.012, Florida  
14 Statutes, is amended to read:

15 287.012 Definitions.--The following definitions shall  
16 apply in this part:

17 (1) "Agency" means any of the various state officers,  
18 departments, boards, commissions, divisions, bureaus, and  
19 councils and any other unit of organization, however  
20 designated, of the executive branch of state government.

21 "Agency" does not include the Board of Regents or the State  
22 University System.

23 Section 12. Section 240.247, subsection (4) of section  
24 240.4988, subsection (3) of section 287.017, and section  
25 240.225, Florida Statutes, are repealed.

26 Section 13. Section 240.2475, Florida Statutes, is  
27 amended to read:

28 240.2475 State University System employment equity  
29 accountability program.--

30 (1) ~~No later than August 1, 1992,~~ Each state  
31 university shall maintain an annual equity ~~develop a~~ plan for

1 appropriate representation ~~increasing the number~~ of women and  
2 minorities in senior-level administrative positions, within  
3 tenure-track faculty, and within faculty granted tenure. Such  
4 plan shall be maintained until appropriate representation has  
5 been achieved. As used in this subsection, the term:

6 (a) "Appropriate representation" means category  
7 employment representation that at least meets comparable  
8 national standards for at least two consecutive reporting  
9 periods.

10 (b) "Category" means major executive, administrative,  
11 and professional grouping, including senior-level  
12 administrative and professional positions, senior academic  
13 administrative-level positions, and tenure-track faculty ~~for~~  
14 ~~increasing the number of women and minorities in ranked~~  
15 ~~faculty positions, and for increasing the number of women and~~  
16 ~~minorities granted tenure. The plan must include specific~~  
17 ~~measurable goals and objectives, specific strategies for~~  
18 ~~accomplishing these goals and objectives, a time period for~~  
19 ~~accomplishing these goals and objectives, and comparative~~  
20 ~~national standards. The plan shall be submitted to the~~  
21 ~~Legislature on or before September 1, 1992.~~

22 (2)(a) By April 1 ~~October 31~~ of each year, each state  
23 university president shall submit an annual equity  
24 ~~accountability~~ report to the Chancellor and the Board of  
25 Regents. The equity report shall consist of a status update,  
26 an analysis, and a status report of selected personnel  
27 transactions. As used in this paragraph, the term, "selected  
28 personnel transactions" means new hires in, promotions into,  
29 tenure actions in, and terminations from a category. Each  
30 university shall provide the job classification title, gender,  
31 race, and appointment status of selected personnel



1 transactions. The status update shall assess  
2 underrepresentation in each category. The status report shall  
3 consist of current category employment representation,  
4 comparable national standards, an evaluation of  
5 representation, and annual goals to address  
6 ~~underrepresentation, which shows the number of administrative~~  
7 ~~positions in the faculty and in the administrative and~~  
8 ~~professional pay plans which were filled in the previous~~  
9 ~~fiscal year. Administrative positions include faculty~~  
10 ~~positions that, in whole or in part, are defined as academic~~  
11 ~~administration under standard practice CM 87-17.1 and~~  
12 ~~positions in the administrative and professional pay plans~~  
13 ~~that are defined as administrative positions under the Board~~  
14 ~~of Regents' classification of occupational groupings. The~~  
15 ~~report must include the following information pertaining to~~  
16 ~~the employees hired in those positions:~~  
17       1. ~~Job classification title;~~  
18       2. ~~Gender;~~  
19       3. ~~Ethnicity;~~  
20       4. ~~Appointment status pursuant to chapter 6C-5.105,~~  
21 ~~Florida Administrative Code;~~  
22       5. ~~The salary at which the individual was hired;~~  
23       6. ~~Comparative information including, but not limited~~  
24 ~~to, composite information regarding the total number of~~  
25 ~~positions within the particular job title classification for~~  
26 ~~the university by race, gender, and the average salary or~~  
27 ~~salary range, where applicable, compared to the number of new~~  
28 ~~hires;~~  
29       7. ~~Guidelines for ensuring a gender-balanced and~~  
30 ~~ethnically balanced selection committee for each vacancy;~~  
31

1           ~~8. Steps taken to develop a diverse pool of candidates~~  
2 ~~for each vacancy; and~~

3           ~~9. An assessment of the university's accomplishment of~~  
4 ~~annual goals and of long-range goals for hiring and promoting~~  
5 ~~women and minorities in senior-level administrative positions.~~

6           (b) After 1 year of implementation of a plan, and  
7 annually thereafter, for those categories in which prior year  
8 goals were not achieved, each university shall provide, in its  
9 annual equity report, a narrative explanation and a plan for  
10 achievement of equity. The plan shall include guidelines for  
11 ensuring balanced membership on selection committees and  
12 specific steps for developing a diverse pool of candidates for  
13 each vacancy in the category. The plan shall also include a  
14 systematic process by which those responsible for hiring are  
15 provided information and are evaluated regarding their  
16 responsibilities pursuant to this section.~~Each university's~~  
17 ~~equity accountability report must also include the following~~  
18 ~~information pertaining to candidates formally applying for~~  
19 ~~tenure:~~

20           1. ~~Rank;~~

21           2. ~~Gender;~~

22           3. ~~Ethnicity;~~

23           4. ~~The salary at which the individual was hired; and~~

24           5. ~~Comparative information including, but not limited~~  
25 ~~to, composite information regarding the total number of~~  
26 ~~positions within the particular classification for the~~  
27 ~~university by race, gender, and the average salary or salary~~  
28 ~~range, where applicable, compared to the number of new hires.~~

29           (c) The equity report shall include an analysis and  
30 assessment of the university's accomplishment of annual goals,  
31 as specified in the university's affirmative action plan, for

1 increasing the representation of women and minorities in  
2 tenure-earning and senior-level administrative positions.~~The~~  
3 ~~report must also include:~~  
4       1. ~~The requirements for achieving tenure;~~  
5       2. ~~The gender and ethnic composition of the committees~~  
6 ~~that review tenure recommendations at the department, college,~~  
7 ~~and university levels;~~  
8       3. ~~Guidelines for ensuring the equitable distribution~~  
9 ~~of assignments that would enhance tenure opportunities for~~  
10 ~~women and minority faculty; and~~  
11       4. ~~Guidelines for obtaining feedback on the annual~~  
12 ~~progress towards achievement of tenure by women and~~  
13 ~~minorities.~~  
14       (d) The equity report shall also include the current  
15 rank, race, and gender of faculty eligible for tenure in a  
16 category. In addition, each university shall report  
17 representation of the pool of tenure-eligible faculty at each  
18 stage of the transaction process, and provide certification  
19 that each eligible faculty member was apprised annually of  
20 progress toward tenure. Each university shall also report on  
21 the dissemination of standards for achieving tenure; racial  
22 and gender composition of committees reviewing recommendations  
23 at each transaction level; and dissemination of guidelines for  
24 equitable distribution of assignments.  
25       (3)(a) A factor in the evaluation of university  
26 presidents, vice presidents, deans, and chairpersons shall be  
27 their annual progress in achieving the annual and long-range  
28 hiring and promotional goals and objectives, as specified in  
29 the university's equity plan and affirmative action plan.  
30 Annual budget allocations for positions and funding shall be  
31 based on this evaluation. A summary of such evaluations ~~Such~~

1 ~~evaluation~~ shall be submitted to the Chancellor and the Board  
2 of Regents as part of the university's annual equity report.

3 (b) ~~Beginning January 1994,~~The Chancellor and the  
4 Board of Regents shall annually evaluate the performance of  
5 the university presidents in achieving the annual equity and  
6 long-term goals and objectives. A summary of the results of  
7 such evaluations shall be included as part of the annual  
8 equity progress report submitted by the Board of Regents to  
9 the Legislature and the State Board of Education.

10 (4) The Board of Regents shall submit an annual equity  
11 progress report to the President of the Senate, the Speaker of  
12 the House of Representatives, Legislature and the State Board  
13 of Education on or before August ~~December~~ 1 of each year.

14 (5) Each university shall develop a budgetary  
15 incentive plan to support and ensure attainment of the goals  
16 developed pursuant to this section. The plan shall specify, at  
17 a minimum, how resources shall be allocated to support the  
18 achievement of goals and the implementation of strategies in a  
19 timely manner. After prior review and approval by the  
20 university president and the Board of Regents, the plan shall  
21 be submitted as part of the annual equity report submitted by  
22 each university to the Board of Regents.~~Effective July 1,~~  
23 ~~1993, positions that become vacant in the faculty or the~~  
24 ~~administrative and professional pay plans at a university~~  
25 ~~shall be transferred into a pool at that university to be~~  
26 ~~allocated by the administration to departments to reward~~  
27 ~~department managers for attaining equity goals. Each~~  
28 ~~university president shall develop rules regarding the filling~~  
29 ~~of vacant positions and the transferring of positions into the~~  
30 ~~pool. Such rules must provide for a total cap on the vacant~~  
31 ~~position pool at 10 percent of the number of vacant positions~~

1 ~~for the university as of the date of the preparation of the~~  
2 ~~initial operating budget for each year. The rule must also~~  
3 ~~provide that the number of positions to be transferred into~~  
4 ~~the vacant position pool, at the departmental level, may not~~  
5 ~~exceed 10 percent of the total number of authorized positions~~  
6 ~~for the department as of the date of the preparation of the~~  
7 ~~initial operating budget for each year. Subject to available~~  
8 ~~funding, the Legislature shall provide an annual appropriation~~  
9 ~~to be allocated to the department managers in recognition of~~  
10 ~~the attainment of equity goals and objectives.~~

11 (6) Relevant components of each university's  
12 affirmative action plan may be used to satisfy the  
13 requirements of this section.

14 (7) Subject to available funding, the Legislature  
15 shall provide an annual appropriation to the Board of Regents  
16 to be allocated to the universities to further enhance equity  
17 initiatives and related priorities that support the mission of  
18 departments, divisions, or colleges in recognition of the  
19 attainment of equity goals and objectives.

20 Section 14. Section 240.3355, Florida Statutes, is  
21 amended to read:

22 240.3355 Community College System employment equity  
23 accountability program.--

24 (1) ~~No later than May 1, 1993,~~Each community college  
25 shall include in its annual equity update plan ~~must include~~ a  
26 plan for increasing the representation number of women and  
27 minorities in senior-level administrative positions ~~and, for~~  
28 ~~increasing the number of women and minorities in full-time~~  
29 ~~ranked~~ faculty positions, and for increasing the  
30 representation number of women and minorities who have  
31 attained continuing-contract status. Positions shall be

1 defined in the personnel data element directory of the  
2 Division of Community Colleges.The plan must include specific  
3 measurable goals and objectives, specific strategies and  
4 timelines for accomplishing these goals and objectives, and  
5 comparable national standards as provided by the Division of  
6 Community Colleges ~~a time period for accomplishing these goals~~  
7 ~~and objectives~~. The goals and objectives shall be based on  
8 meeting or exceeding comparable national standards and shall  
9 be reviewed and recommended by the State Board of Community  
10 Colleges as appropriate. Such plans shall be maintained until  
11 appropriate representation has been achieved and maintained  
12 for at least 3 consecutive reporting years.

13 (2)(a) On or before May 1 of each year, each community  
14 college president shall submit an ~~the~~ annual employment  
15 accountability plan ~~equity update~~ to the Executive Director of  
16 the State Board of Community Colleges. The accountability  
17 plan ~~equity update~~ must show faculty and administrator  
18 employment data according to requirements specified on the  
19 federal Equal Employment Opportunity (EEO-6) report ~~the number~~  
20 ~~of deans, associates, assistant deans, vice presidents,~~  
21 ~~associate and assistant presidents, provosts, legal counsel,~~  
22 ~~and similar administrative positions which were filled in the~~  
23 ~~previous 12-month period.~~ Administrative positions include  
24 faculty positions that, in whole or in part, are defined as  
25 academic administration by rule and positions that are defined  
26 ~~as administrative positions under the Community College~~  
27 ~~System's classification of occupational groupings.~~

28 (b) The plan report must show the following  
29 information for those positions including, but not limited to:

- 30 1. Job classification title.†  
31 2. Gender.†

- 1           3. Ethnicity.~~†~~  
2           4. Appointment status.~~†~~  
3           5. Salary information. At each community college,  
4 salary information shall also include ~~including~~ the salary  
5 ranges in which new hires were employed compared to the salary  
6 ranges for employees with comparable experience and  
7 qualifications.~~at which the individual was hired compared to~~  
8 ~~the salary range for the respective position and to other~~  
9 ~~employees in the same job title classification.~~†  
10          6. Other comparative information including, but not  
11 limited to, composite information regarding the total number  
12 of positions within the particular job title classification  
13 for the community college by race, gender, and salary range  
14 compared to the number of new hires.~~†~~  
15          7. A statement certifying diversity and balance in the  
16 gender and ethnic composition of the selection committee for  
17 each vacancy, including a brief description of guidelines used  
18 for ensuring balanced and diverse membership on selection and  
19 review committees.~~†~~  
20          8. ~~Steps taken to develop a diverse pool of candidates~~  
21 ~~for each vacancy; and~~  
22           (c) 9. The annual employment accountability plan shall  
23 also include an analysis and an assessment of the community  
24 college's attainment accomplishment of annual goals and of  
25 long-range goals for increasing the number of women and  
26 minorities in faculty and senior-level administrative  
27 positions, and a corrective action plan for addressing  
28 underrepresentation.  
29           (d) ~~(c)~~ Each community college's employment equity  
30 accountability plan ~~report~~ must also include:  
31

- 1           1. The requirements for receiving a continuing  
2 contract.~~†~~
- 3           2. A brief description of the process used to grant  
4 ~~The gender and ethnic composition of the committees that~~  
5 ~~review continuing-contract~~ status.recommendations†
- 6           3. A brief description of the process used to annually  
7 apprise each eligible faculty member of progress toward  
8 attainment of continuing-contract status.~~The enhancement of~~  
9 ~~continuing-contract opportunities for women and minority~~  
10 ~~faculty; and~~
- 11           4. ~~Written documentation of feedback on the annual~~  
12 ~~progress towards achievement of continuing-contract status by~~  
13 ~~women and minorities.~~
- 14           (3) Community college presidents and the heads of each  
15 major administrative division shall be evaluated annually on  
16 the progress made toward meeting the goals and objectives of  
17 the community college's employment accountability equity  
18 update plan.
- 19           (a) The community college presidents, or the  
20 president's designee, shall annually evaluate each department  
21 chairperson, dean, provost, and vice president in achieving  
22 the annual and long-term goals and objectives. A summary of  
23 the results of such evaluations shall be reported annually by  
24 the president of the community college to the board of  
25 trustees.Annual budget allocations by the board of trustees  
26 for positions and funding must take into consideration these  
27 evaluations ~~this evaluation.~~
- 28           (b) ~~Beginning January 1994,~~Community college district  
29 boards of trustees shall annually evaluate the performance of  
30 the community college presidents in achieving the annual and  
31 long-term goals and objectives. A summary of the results of



1 such evaluations shall be reported to the Executive Director  
2 of the State Board of Community Colleges as part of the  
3 community college's annual employment accountability plan, and  
4 to the Legislature and State Board of Education as part of the  
5 annual equity progress report submitted by the State Board of  
6 Community Colleges.

7 (4)(c) The State Board of Community Colleges shall  
8 submit an annual equity progress report to the President of  
9 the Senate, the Speaker of the House of Representatives,  
10 ~~Legislature~~ and the State Board of Education on or before  
11 January ~~December~~ 1 of each year.

12 (5) Each community college shall develop a budgetary  
13 incentive plan to support and ensure attainment of the goals  
14 developed pursuant to this section. The plan shall specify,  
15 at a minimum, how resources shall be allocated to support the  
16 achievement of goals and the implementation of strategies in a  
17 timely manner. After prior review and approval by the  
18 community college president and the State Board of Community  
19 Colleges, the plan shall be submitted as part of the annual  
20 employment accountability plan submitted by each community  
21 college to the State Board of Community Colleges.

22 (6)(4) Subject to available funding, the Legislature  
23 shall provide an annual appropriation to the State Board of  
24 Community Colleges to be allocated to community college  
25 presidents, faculty, and administrative personnel to further  
26 enhance equity initiatives and related priorities that support  
27 the mission of colleges and departments ~~the department~~  
28 ~~managers~~ in recognition of the attainment of the equity goals  
29 and objectives.

30 Section 15. This act shall take effect July 1, 1998.  
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SENATE SUMMARY

Revises a wide variety of provisions relating to postsecondary education, including provisions relating to rulemaking, acquisition of property and services, records and reports, and accountability. (See bill for details.)