

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

301-2177A-98

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. 228.055, F.S.; providing for a  
8           regional autism center; amending s. 235.055,  
9           F.S.; deleting authority of the Board of  
10          Regents to construct facilities on leased  
11          property and enter into certain leases;  
12          amending s. 235.195, F.S.; modifying provisions  
13          relating to joint-use facilities; amending s.  
14          240.1201, F.S.; classifying specified Canadian  
15          military personnel as residents for tuition  
16          purposes; amending s. 240.147, F.S.; correcting  
17          a cross-reference; amending s. 240.205, F.S.;  
18          revising the acquisition and contracting  
19          authority of the Board of Regents; amending s.  
20          240.209, F.S.; authorizing procedures to  
21          administer an acquisition program; authorizing  
22          the Board of Regents to sell, convey, transfer,  
23          exchange, trade, or purchase real property and  
24          related improvements; providing requirements;  
25          amending s. 240.2097, F.S.; deleting a  
26          requirement that the Board of Regents report to  
27          the Legislature on limited-access programs;  
28          revising requirements for student handbooks;  
29          amending s. 240.214, F.S.; revising provisions  
30          relating to the State University System  
31          accountability process; amending s. 240.227,

1 F.S.; revising the acquisition and contracting  
2 authority of university presidents; authorizing  
3 adjustment of property records and disposal of  
4 certain tangible personal property; amending s.  
5 240.241, F.S., relating to divisions of  
6 sponsored research at state universities;  
7 providing an exemption from certain contract  
8 requirements for state universities and  
9 community colleges; amending s. 240.2605, F.S.,  
10 relating to the Trust Fund for Major Gifts;  
11 deleting Board of Regents' rulemaking power;  
12 authorizing the Board of Regents Foundation to  
13 participate in the major gifts program;  
14 amending s. 240.281, F.S.; revising the  
15 authority for an institution to deposit certain  
16 funds outside the State Treasury; amending s.  
17 243.151, F.S.; providing a procedure under  
18 which a university may construct facilities on  
19 leased property; amending s. 287.012, F.S.;  
20 excluding the Board of Regents and the State  
21 University System from the term "agency" for  
22 purposes of state procurement of commodities  
23 and services; repealing ss. 240.225, 240.247,  
24 240.4988(4), 287.017(3), F.S., relating to  
25 delegation of authority by the Department of  
26 Management Services to the State University  
27 System, eradication of salary discrimination,  
28 Board of Regents' rules for the Theodore R. and  
29 Vivian M. Johnson Scholarship Program, and  
30 applicability of purchasing category rules to  
31 the State University System; amending s.

1 240.2475, F.S., relating to the State  
2 University System equity accountability  
3 program; requiring each state university to  
4 maintain an equity plan to increase the  
5 representation of women and minorities in  
6 faculty and administrative positions; providing  
7 for the submission of reports; requiring the  
8 development of a plan for achievement of  
9 equity; providing for administrative  
10 evaluations; requiring the development of a  
11 budgetary incentive plan; providing for an  
12 appropriation; amending s. 240.3355, F.S.,  
13 relating to the State Community College System  
14 equity accountability program; requiring each  
15 community college to maintain a plan to  
16 increase the representation of women and  
17 minorities in faculty and administrative  
18 positions; providing contents of an employment  
19 accountability plan; requiring the development  
20 of a plan for corrective action; providing for  
21 administrative evaluations; providing for  
22 submission of reports; requiring the  
23 development of a budgetary incentive plan;  
24 amending s. 240.2803, F.S., clarifying the  
25 definition of auxiliary enterprises; amending  
26 s. 3, ch. 75-381, Laws of Florida; providing  
27 authority to the State Board of Administration  
28 to invest certain funds; providing an effective  
29 date.

30  
31 Be It Enacted by the Legislature of the State of Florida:

1           Section 1. Paragraph (a) of subsection (6) of section  
2 110.131, Florida Statutes, is amended to read:

3           110.131 Other-personal-services temporary  
4 employment.--

5           (6)(a) The provisions of subsections (2), (3), and (4)  
6 do not apply to any employee for whom the Board of Regents or  
7 the Board of Trustees of the Florida School for the Deaf and  
8 the Blind is the employer as defined in s. 447.203(2); except  
9 that, for purposes of subsection (5), ~~the Board of Regents and~~  
10 the Board of Trustees of the Florida School for the Deaf and  
11 the Blind shall comply with the recordkeeping and reporting  
12 requirements adopted by the department pursuant to subsection  
13 (3) with respect to those other-personal-services employees  
14 exempted by this subsection.

15           Section 2. Subsection (1) of section 228.055, Florida  
16 Statutes, is amended to read:

17           228.055 Regional autism centers.--

18           (1) Six ~~Five~~ regional autism centers are established  
19 to provide nonresidential resource and training services for  
20 persons of all ages and of all levels of intellectual  
21 functioning who have autism, as defined in s. 393.063; who  
22 have a pervasive developmental disorder that is not otherwise  
23 specified; who have an autistic-like disability; who have a  
24 dual sensory impairment; or who have a sensory impairment with  
25 other handicapping conditions. Each center shall be  
26 operationally and fiscally independent and shall provide  
27 services within its geographical region of the state. Each  
28 center shall coordinate services within and between state and  
29 local agencies and school districts but may not duplicate  
30 services provided by those agencies or school districts. The  
31 respective locations and service areas of the centers are:

1 (a) The Department of Communication Disorders at  
2 Florida State University, which serves Bay, Calhoun, Escambia,  
3 Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon,  
4 Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla,  
5 Walton, and Washington Counties.

6 (b) The College of Medicine at the University of  
7 Florida, which serves Alachua, Bradford, Citrus, Columbia,  
8 Dixie, Gilchrist, Hamilton, Hernando, Lafayette, ~~Lake~~, Levy,  
9 Marion, ~~Orange, Osceola~~, Putnam, ~~Seminole, Sumter~~, Suwannee,  
10 and Union Counties.

11 (c) The University of Florida Health Science Center at  
12 Jacksonville, which serves Baker, ~~Brevard~~, Clay, Duval,  
13 Flagler, Nassau, and St. Johns, ~~and Volusia~~ Counties. (d) The  
14 Florida Mental Health Institute at the University of South  
15 Florida, which serves Charlotte, Collier, DeSoto, Glades,  
16 Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee,  
17 Manatee, Martin, Okeechobee, Pasco, Pinellas, Polk, St. Lucie,  
18 and Sarasota Counties.

19 (d) The Florida Mental Health Institute at the  
20 University of South Florida, which serves Charlotte, Collier,  
21 DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough,  
22 Indian River, Lee, Manatee, Martin, Okeechobee, Pasco,  
23 Pinellas, Polk, St. Lucie, and Sarasota Counties.

24 (e) The Mailman Center for Child Development at the  
25 University of Miami, which serves Broward, Dade, Monroe, and  
26 Palm Beach Counties.

27 (f) The College of Health and Public Affairs at the  
28 University of Central Florida, which serves Brevard, Lake,  
29 Orange, Osceola, Seminole, Sumter, and Volusia Counties.

30 Section 3. Section 235.055, Florida Statutes, is  
31 amended to read:

1           235.055 Construction of facilities on leased property;  
2 conditions.--

3           (1) A board may ~~Boards, including the Board of~~  
4 ~~Regents, are authorized to~~ construct or place educational  
5 facilities and ancillary facilities on land which is owned by  
6 any person after the board has acquired from the owner of the  
7 land a long-term lease for the use of this land for a period  
8 of not less than 40 years or the life expectancy of the  
9 permanent facilities constructed thereon, whichever is longer.

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

14           Section 4. Subsections (2), (3), and (4) of section  
15 235.195, Florida Statutes, are amended to read:

16           235.195 Cooperative development and use of facilities  
17 by two or more boards.--

18           (2) An educational plant survey must be conducted  
19 within 90 days after submission of the joint resolution and  
20 substantiating data describing the benefits to be obtained,  
21 the programs to be offered, and the estimated cost of the  
22 proposed project. Upon completion of the educational plant  
23 survey, the participating boards may include the recommended  
24 projects in their plan as provided in s. 235.16. Upon approval  
25 of the project by the commissioner, ~~up to~~ 25 percent of the  
26 total cost of the project, or the pro rata share based on  
27 space utilization of 25 percent of the cost, must be included  
28 in the department's legislative capital outlay budget request  
29 as provided in s. 235.41 for educational plants. The  
30 participating boards must include in their joint resolution a  
31 commitment to finance the remaining funds necessary to

1 complete the planning, construction, and equipping of the  
2 facility. Funds from the Public Education Capital Outlay and  
3 Debt Service Trust Fund may not be expended on any project  
4 unless specifically authorized by the Legislature.

5 (3) ~~Included in all proposals for joint-use facilities~~  
6 ~~which result in the creation of one or more new campuses for~~  
7 ~~public postsecondary educational institutions~~ must be  
8 documentation that the proposed new campus or new joint-use  
9 facility has been reviewed by the Postsecondary Education  
10 Planning Commission, recommended to the State Board of  
11 Education, and has been formally requested for authorization  
12 by the Legislature in accordance with s. 240.147(8).

13 (4) No school board, community college, or state  
14 university shall receive funding for more than one approved  
15 joint-use facility per campus in any 3-year 5-year period  
16 ~~effective August 1, 1990. All projects previously approved~~  
17 ~~under the provisions of this section shall not be affected.~~  
18 ~~The first year of the 5-year period shall be the first year a~~  
19 ~~board receives an appropriation.~~

20 Section 5. Paragraph (j) is added to subsection (10)  
21 of section 240.1201, Florida Statutes, to read:

22 240.1201 Determination of resident status for tuition  
23 purposes.--Students shall be classified as residents or  
24 nonresidents for the purpose of assessing tuition fees in  
25 public community colleges and universities.

26 (10) The following persons shall be classified as  
27 residents for tuition purposes:

28 (j) Active duty members of the Canadian military  
29 residing or stationed in this state under the North American  
30 Air Defense (NORAD) agreement, and their spouses and dependent  
31 children, attending a public community college or university

1 within 50 miles of the military establishment where they are  
2 stationed.

3 Section 6. Subsection (4) of section 240.147, Florida  
4 Statutes, is amended to read:

5 240.147 Powers and duties of the commission.--The  
6 commission shall:

7 (4) Recommend to the State Board of Education  
8 contracts with independent institutions to conduct programs  
9 consistent with the state master plan for postsecondary  
10 education. In making recommendations, the commission shall  
11 consider the annual report submitted by the Board of Regents  
12 pursuant to s. 240.209(3)(s)~~s. 240.209(3)(r)~~. Each program  
13 shall be reviewed, with the cooperation of the institution,  
14 every 5 years.

15 Section 7. Subsection (6) of section 240.205, Florida  
16 Statutes, is amended to read:

17 240.205 Board of Regents incorporated.--The Board of  
18 Regents is hereby created as a body corporate with all the  
19 powers of a body corporate for all the purposes created by, or  
20 that may exist under, the provisions of this chapter or laws  
21 amendatory hereof and shall:

22 (6) Acquire real and personal property and contract  
23 for the sale and disposal of same and approve and execute  
24 contracts for the acquisition of commodities, goods,  
25 equipment, contractual or services, including educational  
26 ~~services for~~ leases of real and personal property, and for  
27 ~~construction, in accordance with chapter 287, as applicable.~~  
28 The acquisition may include purchase by installment or  
29 lease-purchase. Such contracts may provide for payment of  
30 interest on the unpaid portion of the purchase price. The  
31 board may also acquire the same commodities, goods, equipment,



1 contractual services, leases, and construction, ~~as designated~~  
2 ~~for the board,~~ for use by a university when the contractual  
3 obligation exceeds \$1 million ~~\$500,000~~. Title to all real  
4 property, however acquired, shall be vested in the Board of  
5 Trustees of the Internal Improvement Trust Fund and shall be  
6 transferred and conveyed by it. Notwithstanding any other  
7 provisions of this subsection, the Board of Regents shall  
8 comply with the provisions of s. 287.055 for the procurement  
9 of professional services as defined therein.

10 Section 8. Paragraphs (e) and (r) of subsection (3) of  
11 section 240.209, Florida Statutes, are amended, and subsection  
12 (9) is added to that section, to read:

13 240.209 Board of Regents; powers and duties.--

14 (3) The board shall:

15 (e) Establish student fees.

16 1. By no later than December 1 of each year, the board  
17 shall raise the systemwide standard for resident undergraduate  
18 matriculation and financial aid fees for the subsequent fall  
19 term, up to but no more than 25 percent of the prior year's  
20 cost of undergraduate programs. In implementing this  
21 paragraph, fees charged for graduate, medical, veterinary, and  
22 dental programs may be increased by the Board of Regents in  
23 the same percentage as the increase in fees for resident  
24 undergraduates. However, in the absence of legislative action  
25 to the contrary in an appropriations act, the board may not  
26 approve annual fee increases for resident students in excess  
27 of 10 percent. The sum of nonresident student matriculation  
28 and tuition fees must be sufficient to defray the full cost of  
29 undergraduate education. Graduate, medical, veterinary, and  
30 dental fees charged to nonresidents may be increased by the  
31 board in the same percentage as the increase in fees for

1 nonresident undergraduates. However, in implementing this  
2 policy and in the absence of legislative action to the  
3 contrary in an appropriations act, annual fee increases for  
4 nonresident students may not exceed 25 percent. In the absence  
5 of legislative action to the contrary in the General  
6 Appropriations Act, the fees shall go into effect for the  
7 following fall term.

8         2. When the appropriations act requires a new fee  
9 schedule, the board shall establish a systemwide standard fee  
10 schedule required to produce the total fee revenue established  
11 in the appropriations act based on the product of the assigned  
12 enrollment and the fee schedule. The board may approve the  
13 expenditure of any fee revenues resulting from the product of  
14 the fee schedule adopted pursuant to this section and the  
15 assigned enrollment.

16         3. Upon provision of authority in a General  
17 Appropriations Act to spend revenue raised pursuant to this  
18 section, the board shall approve a university request to  
19 implement a matriculation and out-of-state tuition fee  
20 schedule which is calculated to generate revenue which varies  
21 no more than 10 percent from the standard fee revenues  
22 authorized through an appropriations act. In implementing an  
23 alternative fee schedule, the increase in cost to a student  
24 taking 15 hours in one term shall be limited to 5 percent.  
25 Matriculation and out-of-state tuition fee revenues generated  
26 as a result of this provision are to be expended for  
27 implementing a plan for achieving accountability goals adopted  
28 pursuant to s. 240.214(2) and for implementing a Board of  
29 Regents-approved plan to contain student costs by reducing the  
30 time necessary for graduation without reducing the quality of  
31 instruction. The plans shall be recommended by a

1 universitywide committee, at least one-half of whom are  
2 students appointed by the student body president. A  
3 chairperson, appointed jointly by the university president and  
4 the student body president, shall vote only in the case of a  
5 tie.

6           4. The board is authorized to collect for financial  
7 aid purposes an amount not to exceed 5 percent of the student  
8 tuition and matriculation fee per credit hour. The revenues  
9 from fees are to remain at each campus and replace existing  
10 financial aid fees. Such funds shall be disbursed to students  
11 as quickly as possible. The board shall specify specific  
12 limits on the percent of the fees collected in a fiscal year  
13 which may be carried forward unexpended to the following  
14 fiscal year. A minimum of 50 percent of funds from the student  
15 financial aid fee shall be used to provide financial aid based  
16 on absolute need. A student who has received an award prior to  
17 July 1, 1984, shall have his or her eligibility assessed on  
18 the same criteria that was used at the time of his or her  
19 original award.

20           5. The board may recommend to the Legislature an  
21 appropriate systemwide standard matriculation and tuition fee  
22 schedule.

23           6. The Education and General Student and Other Fees  
24 Trust Fund is hereby created, to be administered by the  
25 Department of Education. Funds shall be credited to the trust  
26 fund from student fee collections and other miscellaneous fees  
27 and receipts. The purpose of the trust fund is to support the  
28 instruction and research missions of the State University  
29 System. Notwithstanding the provisions of s. 216.301, and  
30 pursuant to s. 216.351, any balance in the trust fund at the  
31 end of any fiscal year shall remain in the trust fund and

1 shall be available for carrying out the purposes of the trust  
2 fund.

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

8 (9) Notwithstanding the provisions of s. 253.025, the  
9 Board of Regents may, with the consent of the Board of  
10 Trustees of the Internal Improvement Trust Fund, sell, convey,  
11 transfer, exchange, trade, or purchase real property and  
12 related improvements necessary and desirable to serve the  
13 needs and purposes of a university in the State University  
14 System.

15 (a) The board may secure appraisals and surveys. The  
16 board shall comply with the rules of the Board of Trustees of  
17 the Internal Improvement Trust Fund in securing appraisals.  
18 Whenever the board finds it necessary for timely property  
19 acquisition, it may contract, without the need for competitive  
20 selection, with one or more appraisers whose names are  
21 contained on the list of approved appraisers maintained by the  
22 Division of State Lands in the Department of Environmental  
23 Protection.

24 (b) The board may negotiate and enter into an option  
25 contract before an appraisal is obtained. The option contract  
26 must state that the final purchase price may not exceed the  
27 maximum value allowed by law. The consideration for such an  
28 option contract may not exceed 10 percent of the estimate  
29 obtained by the board or 10 percent of the value of the  
30 parcel, whichever is greater, unless otherwise authorized by  
31 the board.

1           (c) This subsection is not intended to abrogate in any  
2 manner the authority delegated to the Board of Trustees of the  
3 Internal Improvement Trust Fund or the Division of State Lands  
4 to approve a contract for purchase of state lands or to  
5 require policies and procedures to obtain clear legal title to  
6 parcels purchased for state purposes. Title to property  
7 acquired by the board shall vest in the Board of Trustees of  
8 the Internal Improvement Trust Fund.

9           Section 9. Subsections (1) and (3) of section  
10 240.2097, Florida Statutes, are amended to read:

11           240.2097 Education programs, limited access status;  
12 transfer students; student handbook; rules.--The Board of  
13 Regents shall adopt rules to include the following provisions:

14           (1) The criteria for assigning limited access status  
15 to an educational program shall be delineated. A process for  
16 the periodic review of programs shall be identified so that  
17 the board can determine the need for retention or removal of  
18 limited access status. ~~The board shall provide in a report to~~  
19 ~~the Legislature, by institution, a list of all limited access~~  
20 ~~programs, the minimum admission standards for each program,~~  
21 ~~and a copy of the most recent review demonstrating the need~~  
22 ~~for retention of limited access status. Such report shall be~~  
23 ~~submitted by December 1, 1990, and annually thereafter.~~

24           (3) Each university shall review ~~compile~~ and update as  
25 necessary ~~annually~~ a student handbook that includes, but is  
26 not limited to, ~~a comprehensive calendar that emphasizes~~  
27 ~~important dates and deadlines,~~ student rights and  
28 responsibilities, appeals processes available to students, a  
29 roster of contact persons within the administrative staff  
30 available to respond to student inquiries, and a statement as  
31 to the State University System policy on acquired immune

1 deficiency syndrome including the name and telephone number of  
2 the university acquired immune deficiency syndrome counselor.  
3 Each student handbook must include a statement displayed  
4 prominently which provides that the university will not  
5 tolerate the sale, possession, or use of controlled  
6 substances, with the exception of medication prescribed by a  
7 physician and taken in accordance with the prescribed usage,  
8 nor will the university tolerate the consumption of alcoholic  
9 beverages by students younger than 21 years of age or the sale  
10 of alcoholic beverages to students younger than 21 years of  
11 age. Each student handbook must also list the legal and  
12 university-specific sanctions that will be imposed upon  
13 students who violate the law or university policies regarding  
14 controlled substances and alcoholic beverages.

15 Section 10. Section 240.214, Florida Statutes, is  
16 amended to read:

17 240.214 State University System accountability  
18 process.--It is the intent of the Legislature that an  
19 accountability process be implemented which provides for the  
20 systematic, ongoing evaluation of quality and effectiveness in  
21 the State University System. It is further the intent of the  
22 Legislature that this accountability process monitor  
23 performance at the system level in each of the major areas of  
24 instruction, research, and public service, while recognizing  
25 the differing missions of each of the state universities. The  
26 accountability process shall provide for the adoption of  
27 systemwide performance standards and performance goals for  
28 each standard identified through a collaborative effort  
29 involving the State University System, the Legislature, and  
30 the Governor's Office. These standards and goals shall be  
31 consistent with s. 216.011(1) to maintain congruity with the

1 performance-based budgeting process. This process requires  
2 that university accountability reports reflect measures  
3 defined through performance-based budgeting. The  
4 performance-based budgeting measures must also reflect the  
5 elements of teaching, research, and service inherent in the  
6 missions of the institutions in the State University System.  
7 ~~The accountability process shall result in an annual~~  
8 ~~accountability report to the Legislature.~~

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

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

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

16 ~~(c) Pass rates on professional licensure examinations,~~  
17 ~~by institution;~~

18 ~~(d) Institutional quality as assessed by followup,~~  
19 ~~such as analyses of employment information on former students,~~  
20 ~~national rankings, and surveys of alumni, parents, clients,~~  
21 ~~and employers;~~

22 ~~(e) Length of time and number of academic credits~~  
23 ~~required to complete an academic degree, by institution and by~~  
24 ~~degree;~~

25 ~~(f) Enrollment, progression, retention, and graduation~~  
26 ~~rates by race and gender;~~

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

28 ~~(h) An analysis of administrative and support~~  
29 ~~functions;~~

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

1           ~~(j) An evaluation of the production of classroom~~  
2 ~~contact hours at each university in comparison to a standard~~  
3 ~~of 12 contact hours per term or 32 contact hours per year for~~  
4 ~~each full-time instructional position and the level of funding~~  
5 ~~provided for instruction.~~

6           (1)~~(2)~~ By December 31 of each year, the Board of  
7 Regents shall submit an ~~the~~ annual accountability report  
8 providing information on the implementation of performance  
9 standards, actions taken to improve university achievement of  
10 performance goals, the achievement of performance goals during  
11 the prior year, and initiatives to be undertaken during the  
12 next year. The accountability reports shall be designed in  
13 consultation with the Governor's Office, the Office of the  
14 Auditor General, and the Legislature.

15           (2)~~(3)~~ The Board of Regents shall recommend in the  
16 annual accountability report any appropriate modifications to  
17 this section.

18           Section 11. Subsections (12) and (13) of section  
19 240.227, Florida Statutes, are amended to read:

20           240.227 University presidents; powers and duties.--The  
21 president is the chief administrative officer of the  
22 university and is responsible for the operation and  
23 administration of the university. Each university president  
24 shall:

25           (12) Approve and execute contracts for the acquisition  
26 of commodities, goods, for equipment, for services, including  
27 educational services, for leases of for real and personal  
28 property, and for construction to be rendered to or by the  
29 university, provided such contracts are made pursuant to rules  
30 of the Board of Regents ~~the provisions of chapter 287, as~~  
31 ~~applicable~~, are for the implementation of approved programs of



1 the university, and do not require expenditures in excess of  
2 ~~\$1 million~~~~\$500,000~~. The acquisition ~~Goods and equipment~~ may  
3 be made ~~acquired~~ by installment or lease-purchase contract.  
4 Such contracts may provide for the payment of interest on the  
5 unpaid portion of the purchase price. Notwithstanding any  
6 other provisions of this subsection, university presidents  
7 shall comply with the provisions of s. 287.055 for the  
8 procurement of professional services and may approve and  
9 execute all contracts for planning, construction, and  
10 equipment for projects with building programs and construction  
11 budgets approved by the Board of Regents.

12 (13) Manage the property and financial resources of  
13 the university, including, but not limited to, having the  
14 authority to adjust property records and dispose of  
15 state-owned tangible personal property in the university's  
16 custody in accordance with procedures established by the Board  
17 of Regents. Notwithstanding the provisions of s. 273.055(5),  
18 all moneys received from the disposition of state-owned  
19 tangible personal property shall be retained by the university  
20 and disbursed for the acquisition of tangible personal  
21 property and for all necessary operating expenditures. The  
22 university shall maintain records of the accounts into which  
23 such moneys are deposited ~~pursuant to s. 240.225.~~

24 Section 12. Subsection (16) is added to section  
25 240.241, Florida Statutes, to read:

26 240.241 Divisions of sponsored research at state  
27 universities.--

28 (16) Section 216.346 does not apply to contracts or  
29 subcontracts between state universities, between community  
30 colleges, or between state universities and community  
31 colleges.

1           Section 13. Section 240.2605, Florida Statutes, is  
2 amended to read:

3           240.2605 Trust Fund for Major Gifts.--

4           (1) There is established a Trust Fund for Major Gifts.  
5 The purpose of the ~~Such~~ trust fund is to enable ~~shall provide~~  
6 the Board of Regents Foundation, each university, and New  
7 College ~~with the opportunity~~ to provide donors with an  
8 incentive in the form of matching grants for donations for the  
9 establishment of permanent endowments, which must ~~shall~~ be  
10 invested, with the proceeds of the investment used to support  
11 libraries and instruction and research programs, as defined by  
12 procedure rule of the Board of Regents. All funds appropriated  
13 for the challenge grants, new donors, major gifts, or eminent  
14 scholars program must ~~shall~~ be deposited into the trust fund  
15 and invested pursuant to ~~the provisions of~~ s. 18.125 until the  
16 Board of Regents allocates the ~~such~~ funds to universities to  
17 match private donations. Notwithstanding ~~the provisions of~~ s.  
18 216.301 and pursuant to s. 216.351, any undisbursed balance  
19 remaining in the trust fund and interest income accruing to  
20 the portion of the trust fund which is not matched and  
21 distributed to universities must remain in the trust fund and  
22 used to ~~shall~~ increase the total funds available for challenge  
23 grants. The Board of Regents may authorize any university to  
24 encumber the state matching portion of a challenge grant from  
25 funds available under s. 240.272.

26           (2) The Board of Regents shall specify the process for  
27 submission, documentation, and approval of requests for  
28 matching funds, accountability for endowments and proceeds of  
29 endowments, allocations to universities, restrictions on the  
30 use of the proceeds from endowments, and criteria used in  
31 determining the value of donations.

1           (3)(a) The Board of Regents shall allocate the amount  
2 appropriated to the trust fund ~~shall be allocated by the Board~~  
3 ~~of Regents~~ to the Board of Regents Foundation, each  
4 university, and New College based on the amount of the  
5 donation and the restrictions applied to the donation.

6           (b) Donations for a specific purpose must be ~~are~~  
7 matched in the following manner:

8           1. The Board of Regents Foundation and each university  
9 that raises at least \$100,000 but no more than \$599,999 from a  
10 private source must ~~shall~~ receive a matching grant equal to 50  
11 percent of the private contribution.

12           2. The Board of Regents Foundation and each university  
13 that raises a contribution of at least \$600,000 but no more  
14 than \$1 million from a private source must ~~shall~~ receive a  
15 matching grant equal to 70 percent of the private  
16 contribution.

17           3. The Board of Regents Foundation and each university  
18 that raises a contribution in excess of \$1 million but no more  
19 than \$1.5 million from a private source must ~~shall~~ receive a  
20 matching grant equal to 75 percent of the private  
21 contribution.

22           4. The Board of Regents Foundation and each university  
23 that raises a contribution in excess of \$1.5 million but no  
24 more than \$2 million from a private source must ~~shall~~ receive  
25 a matching grant equal to 80 percent of the private  
26 contribution.

27           5. The Board of Regents Foundation and each university  
28 that raises a contribution in excess of \$2 million from a  
29 private source must ~~shall~~ receive a matching grant equal to  
30 100 percent of the private contribution.

31

1 (c) The Board of Regents shall encumber state matching  
2 funds for any pledged contributions, pro rata, based on the  
3 requirements for state matching funds as specified for the  
4 particular challenge grant and the amount of the private  
5 donations actually received by the university or Board of  
6 Regents Foundation for the respective challenge grant.

7 (4) Matching funds may be provided for contributions  
8 encumbered or pledged under the Florida Endowment Trust Fund  
9 for Eminent Scholars Act prior to July 1, 1994, and for  
10 donations or pledges of any amount equal to or in excess of  
11 the prescribed minimums which are pledged for the purpose of  
12 this section.

13 (5)(a) The Board of Regents Foundation, each  
14 university foundation, and New College Foundation shall  
15 establish a challenge grant account for each challenge grant  
16 as a depository for private contributions and state matching  
17 funds to be administered on behalf of the Board of Regents,  
18 the university, or New College. State matching funds must  
19 ~~shall~~ be transferred to a university foundation or New College  
20 Foundation upon notification that the university or New  
21 College has received and deposited the amount specified in  
22 this section in a foundation challenge grant account.

23 (b) The foundation serving a university and New  
24 College Foundation each has ~~shall have~~ the responsibility for  
25 the maintenance and investment of its challenge grant account  
26 and for the administration of the program on behalf of the  
27 university or New College, pursuant to procedures specified by  
28 the Board of Regents. Each foundation shall include in its  
29 annual report to the Board of Regents information concerning  
30 collection and investment of matching gifts and donations and  
31 investment of the account.

1 (c) A donation of at least \$600,000 and associated  
2 state matching funds may be used to designate ~~designated as~~ an  
3 Eminent Scholar Endowed Chair pursuant to procedures specified  
4 by the Board of Regents.

5 (6) The donations, state matching funds, or proceeds  
6 from endowments established under ~~pursuant to~~ this section may  
7 ~~shall~~ not be expended for the construction, renovation, or  
8 maintenance of facilities or for the support of  
9 intercollegiate athletics.

10 (7) The Board of Regents Foundation may participate in  
11 the same manner as a university foundation with regard to the  
12 provisions of this section.

13 Section 14. Subsection (9) of section 240.281, Florida  
14 Statutes, is amended to read:

15 240.281 Deposit of funds received by institutions and  
16 agencies in the State University System.--All funds received  
17 by any institution or agency in the State University System,  
18 from whatever source received and for whatever purpose, shall  
19 be deposited in the State Treasury subject to disbursement in  
20 such manner and for such purposes as the Legislature may by  
21 law provide. The following funds shall be exempt from the  
22 provisions of this section and, with the approval of the Board  
23 of Regents, may be deposited outside the State Treasury:

24 (9) Such other funds as may be approved by the Board  
25 of Regents and the Executive Office of the Governor subject to  
26 the review provisions of s. 216.77.

27 Section 15. Present subsection (4) of section 243.151,  
28 Florida Statutes, is renumbered as subsection (5), present  
29 subsection (3) is renumbered as subsection (4) and amended,  
30 and a new subsection (3) is added to that section, to read:

31 243.151 Lease agreements; land, facilities.--

1           (3) Upon approval by the Board of Regents, a  
2 university may:

3           (a) Construct educational facilities on land that is  
4 owned by a direct-support organization, as defined in s.  
5 240.299, or a governmental agency at the federal, state,  
6 county, or municipal level, if the university has acquired a  
7 long-term lease for the use of the land. The lease must be  
8 for at least 40 years or the expected time the facilities to  
9 be constructed on the land are expected to remain in a  
10 condition acceptable for use, whichever is longer.

11           (b) Acquire a short-term lease from one of the  
12 entities listed in paragraph (a) for the use of land, if  
13 adequate temporary or relocatable facilities are available on  
14 the land.

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

17  
18 If sufficient land is not available from any of the entities  
19 listed in paragraph (a), a university may acquire a short-term  
20 lease from a private landowner or developer.

21           (4)(3) Agreements as provided in this section shall be  
22 entered into with an offeror resulting from publicly announced  
23 competitive bids or proposals, except that the university may  
24 enter into an agreement with an entity enumerated in paragraph  
25 (3)(a) for leasing land or with a direct-support organization  
26 as provided in s. 240.299, which shall enter into subsequent  
27 agreements for financing and constructing the project after  
28 receiving competitive bids or proposals. Any facility  
29 constructed, lease-purchased, or purchased under such  
30 agreements, whether erected on land under the jurisdiction of  
31 the university or not, shall conform to the construction

1 standards and codes applicable to university facilities. The  
2 Board of Regents shall adopt such rules as are necessary to  
3 carry out its duties and responsibilities imposed by this  
4 section.

5 Section 16. Subsection (1) of section 287.012, Florida  
6 Statutes, is amended to read:

7 287.012 Definitions.--The following definitions shall  
8 apply in this part:

9 (1) "Agency" means any of the various state officers,  
10 departments, boards, commissions, divisions, bureaus, and  
11 councils and any other unit of organization, however  
12 designated, of the executive branch of state government.  
13 "Agency" does not include the Board of Regents or the State  
14 University System.

15 Section 17. Section 240.247, subsection (4) of section  
16 240.4988, subsection (3) of section 287.017, and section  
17 240.225, Florida Statutes, are repealed.

18 Section 18. Section 240.2475, Florida Statutes, is  
19 amended to read:

20 240.2475 State University System employment equity  
21 accountability program.--

22 (1) ~~No later than August 1, 1992,~~Each state  
23 university shall maintain an annual equity ~~develop a~~ plan for  
24 appropriate representation ~~increasing the number~~ of women and  
25 minorities in senior-level administrative positions, within  
26 tenure-track faculty, and within faculty granted tenure. Such  
27 plan shall be maintained until appropriate representation has  
28 been achieved. As used in this subsection, the term:

29 (a) "Appropriate representation" means category  
30 employment representation that at least meets comparable  
31

1 national standards for at least two consecutive reporting  
2 periods.

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

15 (2)(a) By April 1 ~~October 31~~ of each year, each state  
16 university president shall submit an annual equity  
17 accountability report to the Chancellor and the Board of  
18 Regents. The equity report shall consist of a status update,  
19 an analysis, and a status report of selected personnel  
20 transactions. As used in this paragraph, the term, "selected  
21 personnel transactions" means new hires in, promotions into,  
22 tenure actions in, and terminations from a category. Each  
23 university shall provide the job classification title, gender,  
24 race, and appointment status of selected personnel  
25 transactions. The status update shall assess  
26 underrepresentation in each category. The status report shall  
27 consist of current category employment representation,  
28 comparable national standards, an evaluation of  
29 representation, and annual goals to address  
30 ~~underrepresentation which shows the number of administrative~~  
31 ~~positions in the faculty and in the administrative and~~



1 ~~professional pay plans which were filled in the previous~~  
2 ~~fiscal year. Administrative positions include faculty~~  
3 ~~positions that, in whole or in part, are defined as academic~~  
4 ~~administration under standard practice CM 87-17.1 and~~  
5 ~~positions in the administrative and professional pay plans~~  
6 ~~that are defined as administrative positions under the Board~~  
7 ~~of Regents' classification of occupational groupings. The~~  
8 ~~report must include the following information pertaining to~~  
9 ~~the employees hired in those positions:~~

10 ~~1. Job classification title;~~

11 ~~2. Gender;~~

12 ~~3. Ethnicity;~~

13 ~~4. Appointment status pursuant to chapter 6C-5.105,~~  
14 ~~Florida Administrative Code;~~

15 ~~5. The salary at which the individual was hired;~~

16 ~~6. Comparative information including, but not limited~~  
17 ~~to, composite information regarding the total number of~~  
18 ~~positions within the particular job title classification for~~  
19 ~~the university by race, gender, and the average salary or~~  
20 ~~salary range, where applicable, compared to the number of new~~  
21 ~~hires;~~

22 ~~7. Guidelines for ensuring a gender-balanced and~~  
23 ~~ethnically balanced selection committee for each vacancy;~~

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

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

29 ~~(b) After 1 year of implementation of a plan, and~~  
30 ~~annually thereafter, for those categories in which prior year~~  
31 ~~goals were not achieved, each university shall provide, in its~~

1 annual equity report, a narrative explanation and a plan for  
2 achievement of equity. The plan shall include guidelines for  
3 ensuring balanced membership on selection committees and  
4 specific steps for developing a diverse pool of candidates for  
5 each vacancy in the category. The plan shall also include a  
6 systematic process by which those responsible for hiring are  
7 provided information and are evaluated regarding their  
8 responsibilities pursuant to this section. ~~Each university's~~  
9 ~~equity accountability report must also include the following~~  
10 ~~information pertaining to candidates formally applying for~~  
11 ~~tenure:~~

- 12 ~~1. Rank;~~
- 13 ~~2. Gender;~~
- 14 ~~3. Ethnicity;~~
- 15 ~~4. The salary at which the individual was hired; and~~
- 16 ~~5. Comparative information including, but not limited~~  
17 ~~to, composite information regarding the total number of~~  
18 ~~positions within the particular classification for the~~  
19 ~~university by race, gender, and the average salary or salary~~  
20 ~~range, where applicable, compared to the number of new hires.~~

21 (c) The equity report shall include an analysis and  
22 assessment of the university's accomplishment of annual goals,  
23 as specified in the university's affirmative action plan, for  
24 increasing the representation of women and minorities in  
25 tenure-earning and senior-level administrative positions. ~~The~~  
26 ~~report must also include:~~

- 27 ~~1. The requirements for achieving tenure;~~
- 28 ~~2. The gender and ethnic composition of the committees~~  
29 ~~that review tenure recommendations at the department, college,~~  
30 ~~and university levels;~~

31

1           ~~3. Guidelines for ensuring the equitable distribution~~  
2 ~~of assignments that would enhance tenure opportunities for~~  
3 ~~women and minority faculty; and~~

4           ~~4. Guidelines for obtaining feedback on the annual~~  
5 ~~progress towards achievement of tenure by women and~~  
6 ~~minorities.~~

7           (d) The equity report shall also include the current  
8 rank, race, and gender of faculty eligible for tenure in a  
9 category. In addition, each university shall report  
10 representation of the pool of tenure-eligible faculty at each  
11 stage of the transaction process, and provide certification  
12 that each eligible faculty member was apprised annually of  
13 progress toward tenure. Each university shall also report on  
14 the dissemination of standards for achieving tenure; racial  
15 and gender composition of committees reviewing recommendations  
16 at each transaction level; and dissemination of guidelines for  
17 equitable distribution of assignments.

18           (3)(a) A factor in the evaluation of university  
19 presidents, vice presidents, deans, and chairpersons shall be  
20 their annual progress in achieving the annual and long-range  
21 hiring and promotional goals and objectives, as specified in  
22 the university's equity plan and affirmative action plan.  
23 Annual budget allocations for positions and funding shall be  
24 based on this evaluation. A summary of such evaluations ~~Such~~  
25 ~~evaluation~~ shall be submitted to the Chancellor and the Board  
26 of Regents as part of the university's annual equity report.

27           ~~Beginning January 1994,~~ The Chancellor and the  
28 Board of Regents shall annually evaluate the performance of  
29 the university presidents in achieving the annual equity and  
30 ~~long-term~~ goals and objectives. A summary of the results of  
31 such evaluations shall be included as part of the annual

1 equity progress report submitted by the Board of Regents to  
2 the Legislature and the State Board of Education.

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

7 (5) Each university shall develop a budgetary  
8 incentive plan to support and ensure attainment of the goals  
9 developed pursuant to this section. The plan shall specify, at  
10 a minimum, how resources shall be allocated to support the  
11 achievement of goals and the implementation of strategies in a  
12 timely manner. After prior review and approval by the  
13 university president and the Board of Regents, the plan shall  
14 be submitted as part of the annual equity report submitted by  
15 each university to the Board of Regents. ~~Effective July 1,~~  
16 ~~1993, positions that become vacant in the faculty or the~~  
17 ~~administrative and professional pay plans at a university~~  
18 ~~shall be transferred into a pool at that university to be~~  
19 ~~allocated by the administration to departments to reward~~  
20 ~~department managers for attaining equity goals. Each~~  
21 ~~university president shall develop rules regarding the filling~~  
22 ~~of vacant positions and the transferring of positions into the~~  
23 ~~pool. Such rules must provide for a total cap on the vacant~~  
24 ~~position pool at 10 percent of the number of vacant positions~~  
25 ~~for the university as of the date of the preparation of the~~  
26 ~~initial operating budget for each year. The rule must also~~  
27 ~~provide that the number of positions to be transferred into~~  
28 ~~the vacant position pool, at the departmental level, may not~~  
29 ~~exceed 10 percent of the total number of authorized positions~~  
30 ~~for the department as of the date of the preparation of the~~  
31 ~~initial operating budget for each year. Subject to available~~

1 ~~funding, the Legislature shall provide an annual appropriation~~  
2 ~~to be allocated to the department managers in recognition of~~  
3 ~~the attainment of equity goals and objectives.~~

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

7 (7) Subject to available funding, the Legislature  
8 shall provide an annual appropriation to the Board of Regents  
9 to be allocated to the universities to further enhance equity  
10 initiatives and related priorities that support the mission of  
11 departments, divisions, or colleges in recognition of the  
12 attainment of equity goals and objectives.

13 Section 19. Section 240.3355, Florida Statutes, is  
14 amended to read:

15 240.3355 Community College System employment equity  
16 accountability program.--

17 (1) ~~No later than May 1, 1993,~~Each community college  
18 shall include in its annual equity update plan must include a  
19 plan for increasing the representation number of women and  
20 minorities in senior-level administrative positions and, for  
21 increasing the number of women and minorities in full-time  
22 ranked faculty positions, and for increasing the  
23 representation number of women and minorities who have  
24 attained continuing-contract status. Positions shall be  
25 defined in the personnel data element directory of the  
26 Division of Community Colleges.The plan must include specific  
27 measurable goals and objectives, specific strategies and  
28 timelines for accomplishing these goals and objectives, and  
29 comparable national standards as provided by the Division of  
30 Community Colleges ~~a time period for accomplishing these goals~~  
31 ~~and objectives.~~ The goals and objectives shall be based on

1 meeting or exceeding comparable national standards and shall  
2 be reviewed and recommended by the State Board of Community  
3 Colleges as appropriate. Such plans shall be maintained until  
4 appropriate representation has been achieved and maintained  
5 for at least 3 consecutive reporting years.

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

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

- 23 1. Job classification title.†
- 24 2. Gender.†
- 25 3. Ethnicity.†
- 26 4. Appointment status.†
- 27 5. Salary information. At each community college,  
28 salary information shall also include ~~including~~ the salary  
29 ranges in which new hires were employed compared to the salary  
30 ranges for employees with comparable experience and  
31 qualifications. ~~at which the individual was hired compared to~~

1 ~~the salary range for the respective position and to other~~  
2 ~~employees in the same job title classification.~~

3 6. Other comparative information including, but not  
4 limited to, composite information regarding the total number  
5 of positions within the particular job title classification  
6 for the community college by race, gender, and salary range  
7 compared to the number of new hires.

8 7. A statement certifying diversity and balance in the  
9 gender and ethnic composition of the selection committee for  
10 each vacancy, including a brief description of guidelines used  
11 for ensuring balanced and diverse membership on selection and  
12 review committees.

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

15 ~~(c)9.~~ The annual employment accountability plan shall  
16 also include an analysis and an assessment of the community  
17 college's attainment accomplishment of annual goals and of  
18 long-range goals for increasing the number of women and  
19 minorities in faculty and senior-level administrative  
20 positions, and a corrective action plan for addressing  
21 underrepresentation.

22 ~~(d)(c)~~ Each community college's employment equity  
23 accountability plan report must also include:

24 1. The requirements for receiving a continuing  
25 contract.

26 2. A brief description of the process used to grant  
27 ~~The gender and ethnic composition of the committees that~~  
28 ~~review continuing-contract status recommendations.~~

29 3. A brief description of the process used to annually  
30 apprise each eligible faculty member of progress toward  
31 attainment of continuing-contract status.~~The enhancement of~~

1 ~~continuing contract opportunities for women and minority~~  
2 ~~faculty; and~~

3 ~~4. Written documentation of feedback on the annual~~  
4 ~~progress towards achievement of continuing contract status by~~  
5 ~~women and minorities.~~

6 (3) Community college presidents and the heads of each  
7 major administrative division shall be evaluated annually on  
8 the progress made toward meeting the goals and objectives of  
9 the community college's employment accountability equity  
10 update plan.

11 (a) The community college presidents, or the  
12 president's designee, shall annually evaluate each department  
13 chairperson, dean, provost, and vice president in achieving  
14 the annual and long-term goals and objectives. A summary of  
15 the results of such evaluations shall be reported annually by  
16 the president of the community college to the board of  
17 trustees. Annual budget allocations by the board of trustees  
18 for positions and funding must take into consideration these  
19 evaluations ~~this evaluation.~~

20 (b) ~~Beginning January 1994,~~ Community college district  
21 boards of trustees shall annually evaluate the performance of  
22 the community college presidents in achieving the annual and  
23 long-term goals and objectives. A summary of the results of  
24 such evaluations shall be reported to the Executive Director  
25 of the State Board of Community Colleges as part of the  
26 community college's annual employment accountability plan, and  
27 to the Legislature and State Board of Education as part of the  
28 annual equity progress report submitted by the State Board of  
29 Community Colleges.

30 ~~(4)(c)~~ The State Board of Community Colleges shall  
31 submit an annual equity progress report to the President of



1 the Senate, the Speaker of the House of Representatives,  
2 ~~Legislature~~ and the State Board of Education on or before  
3 January ~~December~~ 1 of each year.

4 (5) Each community college shall develop a budgetary  
5 incentive plan to support and ensure attainment of the goals  
6 developed pursuant to this section. The plan shall specify,  
7 at a minimum, how resources shall be allocated to support the  
8 achievement of goals and the implementation of strategies in a  
9 timely manner. After prior review and approval by the  
10 community college president and the State Board of Community  
11 Colleges, the plan shall be submitted as part of the annual  
12 employment accountability plan submitted by each community  
13 college to the State Board of Community Colleges.

14 ~~(6)(4)~~ Subject to available funding, the Legislature  
15 shall provide an annual appropriation to the State Board of  
16 Community Colleges to be allocated to community college  
17 presidents, faculty, and administrative personnel to further  
18 enhance equity initiatives and related priorities that support  
19 the mission of colleges and departments ~~the department~~  
20 ~~managers~~ in recognition of the attainment of the equity goals  
21 and objectives.

22 Section 20. Subsection (1) of s. 240.2803, Florida  
23 Statutes, is amended to read:

24 240.2803 Auxiliary enterprises; contracts, grants, and  
25 donations; definitions.--As used in s. 19(f)(3), Art. III of  
26 the State Constitution, the term:

27 (1) "Auxiliary enterprises" includes activities that  
28 directly or indirectly provide a product or a service, or  
29 both, to a university or its students, faculty, or staff and  
30 for which a charge is made ~~is charged a fee related to, but~~  
31 ~~not necessarily in an amount that will cover, the cost of the~~

1 ~~service.~~ These auxiliary enterprises are business activities  
2 of a university which require no support from the General  
3 Revenue Fund ~~generally self-sufficient operations~~, and include  
4 activities such as housing, bookstores, student health  
5 services, continuing education programs, food services,  
6 college stores, operation of vending machines, specialty  
7 shops, day care centers, golf courses, student activities  
8 programs, data center operations, and ~~financial aid programs,~~  
9 intercollegiate athletics programs, ~~and other programs for~~  
10 ~~which the funds are deposited outside the State Treasury.~~

11 Section 21. Section 3 of chapter 97-381, Laws of  
12 Florida, is amended to read:

13 Section 3. When the Department of Insurance receives a  
14 \$6 million settlement as specified in the Consent Order of the  
15 Treasurer and Insurance Commissioner, case number 18900-96-c,  
16 that portion of the \$6 million not used to satisfy the  
17 requirements of section 18 of the Consent Order must be  
18 transferred from the Insurance Commissioner's Regulatory Trust  
19 Fund to the State Student Financial Assistance Trust Fund is  
20 appropriated from the State Student Financial Assistance Trust  
21 Fund to provide Ethics in Business scholarships to students  
22 enrolled in public community colleges and independent  
23 postsecondary education institutions eligible to participate  
24 in the Florida Resident Access Grant Program under section  
25 240.605, Florida Statutes. The funds shall be allocated to  
26 institutions for scholarships in the following  
27 ratio: Two-thirds for community colleges and one-third for  
28 eligible independent institutions. The Department of Education  
29 shall administer the scholarship program for students  
30 attending community colleges and independent institutions.  
31 These funds must be allocated to institutions that provide an

1 equal amount of matching funds generated by private donors for  
2 the purpose of providing Ethics in Business scholarships.  
3 Public funds may not be used to provide the match, nor may  
4 funds collected for other purposes. Notwithstanding any other  
5 provision of law, the State Board of Administration shall have  
6 the authority to invest the funds appropriated under this  
7 section.The Department of Education may adopt rules for  
8 administration of the program.

9 Section 22. This act shall take effect July 1, 1998.

10  
11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
12 COMMITTEE SUBSTITUTE FOR  
13 CS for SB's 1358 & 160

14 Authorizes two or more boards, such as a community college  
15 board of trustees and the Board of Regents, to construct  
16 facilities for joint use at a single location once in every 3  
17 years in lieu of once in every 5 years for the university as a  
18 whole.

19 Amends a requirement that the Commissioner of Education must  
20 include "up to" 25 percent of the cost of the project in the  
21 legislative capital outlay budget request by requiring that 25  
22 percent of the cost be included in the legislative budget  
23 request or a prorata share of 25 percent based on the  
24 percentage of space to be used by the institution. Also  
25 required for any new campus or new joint-use facility is: 1) a  
26 review by the Postsecondary Education Planning Commission, 2)  
27 recommendations to the State Board of Education, and 3) formal  
28 request for authorization by the Legislature.

29 Amends s. 240.2803, Florida Statutes, to clarify the  
30 definition of auxiliary enterprises as those business  
31 activities which require no support from the General Revenue  
32 fund and clarifies the list of Auxiliary Enterprise  
33 activities.

34 Amends Section 3 of Chapter 97-381, Laws of Florida to  
35 authorize the State Board of Administration to invest the  
36 funds received from the Department of Insurance, Case #  
37 18900-96-C, for the purpose of providing Ethics in Business  
38 Scholarships for community colleges and private universities.