

By Senator Kirkpatrick

5-117A-98

1 A bill to be entitled
2 An act relating to the State University System;
3 amending s. 110.131, F.S.; deleting a reporting
4 requirement for the Board of Regents with
5 respect to other-personal-services employees;
6 amending s. 235.055, F.S.; deleting the
7 authority of the Board of Regents to construct
8 facilities on leased property and enter into
9 certain leases; amending s. 240.205, F.S.;
10 revising provisions relating to Board of
11 Regents' contracts and acquisition of property
12 and services; amending s. 240.207, F.S.;
13 requiring an orientation program for members of
14 the Board of Regents; amending s. 240.209,
15 F.S., relating to duties of the Board of
16 Regents; revising requirements for the board
17 with respect to procurement and construction
18 contracts; authorizing the Board of Regents to
19 acquire and dispose of real property; providing
20 procedures for appraisals and property
21 acquisition; providing for personnel contracts;
22 amending s. 240.2097, F.S.; deleting a
23 requirement that the Board of Regents report to
24 the Legislature on limited-access programs;
25 revising requirements for student handbooks;
26 amending s. 240.2111, F.S., relating to an
27 employee recognition program; deleting a
28 requirement that the program be adopted by
29 rule; amending s. 240.214, F.S.; revising
30 accountability goals and reporting procedures
31 for the State University System; amending s.

1 240.227, F.S.; providing responsibilities of
2 university presidents; providing for the
3 appointment of university presidents; revising
4 duties of university presidents relating to
5 acquisition of, and contracts for and
6 management of, property and financial resources
7 and approval and execution of general
8 construction contracts; amending s. 240.235,
9 F.S.; requiring approval procedures for raising
10 certain fees; amending s. 240.241, F.S.,
11 relating to divisions of sponsored research at
12 state universities; providing an exemption from
13 certain contract requirements; amending s.
14 240.2605, F.S., relating to the Trust Fund for
15 Major Gifts; deleting Board of Regents'
16 rulemaking power; authorizing the Board of
17 Regents Foundation to participate in the major
18 gifts program; amending s. 240.274, F.S.,
19 relating to university libraries; deleting
20 Board of Regents' rulemaking power; amending s.
21 240.2803, F.S.; revising the funds included
22 within the definition of auxiliary enterprises;
23 amending s. 240.281, F.S.; revising the
24 authority for an institution to deposit certain
25 funds outside the State Treasury; amending s.
26 240.295, F.S., relating to fixed capital outlay
27 projects; providing for dormitories; deleting
28 Board of Regents' rulemaking power; amending s.
29 243.151, F.S.; providing a procedure through
30 which a university may construct facilities on
31 leased property; amending s. 287.012, F.S.,

1 relating to purchasing and contractual
2 services; providing responsibilities; amending
3 s. 287.017, F.S.; revising the threshold
4 amounts of purchasing categories; deleting
5 applicability of certain rules to the State
6 University System; repealing ss. 240.225,
7 240.247, 240.4988(4), F.S., and ss. 15 and 16
8 of ch. 94-232, Laws of Florida, relating to
9 delegation of authority by the Department of
10 Management Services to the State University
11 System, eradication of salary discrimination,
12 Board of Regents' rules for the Theodore R. and
13 Vivian M. Johnson Scholarship Program, the
14 title of ch. 239, F.S., and a directive to the
15 Division of Statutory Revision; providing an
16 effective date.

17

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

19

20 Section 1. Paragraph (a) of subsection (6) of section
21 110.131, Florida Statutes, is amended to read:

22 110.131 Other-personal-services temporary
23 employment.--

24 (6)(a) The provisions of subsections (2), (3), and (4)
25 do not apply to any employee for whom the Board of Regents or
26 the Board of Trustees of the Florida School for the Deaf and
27 the Blind is the employer as defined in s. 447.203(2); except
28 that, for purposes of subsection (5), ~~the Board of Regents and~~
29 the Board of Trustees of the Florida School for the Deaf and
30 the Blind shall comply with the recordkeeping and reporting
31 requirements adopted by the department pursuant to subsection

1 (3) with respect to those other-personal-services employees
2 exempted by this subsection.

3 Section 2. Section 235.055, Florida Statutes, is
4 amended to read:

5 235.055 Construction of facilities on leased property;
6 conditions.--

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

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

19 Section 3. Subsection (6) of section 240.205, Florida
20 Statutes, is amended to read:

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

26 (6) Acquire real and personal property and contract
27 for the sale and disposal of same and approve and execute
28 contracts for the acquisition of commodities, goods,
29 equipment, contractual ~~or services, including educational~~
30 ~~services for leases of real and personal property, and for~~
31 ~~construction, in accordance with chapter 287, as applicable.~~

1 The acquisition may include purchase by installment or
2 lease-purchase. Such contracts may provide for payment of
3 interest on the unpaid portion of the purchase price. The
4 board may also acquire the same commodities, goods, equipment,
5 contractual services, leases, and construction, ~~as designated~~
6 ~~for the board,~~ for use by a university when the contractual
7 obligation exceeds \$1 million ~~\$500,000~~. Title to all real
8 property, however acquired, shall be vested in the Board of
9 Trustees of the Internal Improvement Trust Fund and shall be
10 transferred and conveyed by it.

11 Section 4. Subsection (4) is added to section 240.207,
12 Florida Statutes, to read:

13 240.207 Board of Regents; appointment of members;
14 qualifications and terms of office.--

15 (4) Upon appointment and before confirmation by the
16 Senate, each Regent shall participate in an orientation
17 program sponsored by the Board of Regents. This program must
18 be developed in consultation with university presidents and
19 other appropriate university personnel. The orientation
20 program should provide a comprehensive introduction to the
21 higher education system in the state, an understanding of the
22 funding and substantive policies affecting the State
23 University System, and an understanding of the nature of the
24 trusteeship.

25 Section 5. Paragraphs (p), (q), and (r) of subsection
26 (3) of section 240.209, Florida Statutes, are amended,
27 paragraph (u) is added to that subsection, and subsection (8)
28 of that section is amended, to read:

29 240.209 Board of Regents; powers and duties.--

30 (3) The board shall:
31

1 (p) Notwithstanding ~~the provisions of~~ ss. 216.044,
2 255.248, 255.249, 255.25, 255.28, 255.29, and 287.055, adopt
3 rules to administer a program for the maintenance and
4 construction of facilities in the State University System. The
5 board may ~~and to~~ secure, or may otherwise provide as a
6 self-insurer under ~~pursuant to~~ s. 440.38(6), workers'
7 compensation coverage for contractors and subcontractors, or
8 each of them, employed by or on behalf of the Board of
9 Regents, or by or on behalf of a state university, when
10 performing work on or adjacent to property owned or used by
11 the Board of Regents or the State University System.

12 (q) ~~Adopt rules to~~ Ensure compliance with ss. 287.055
13 and the provisions of s. 287.0945, for all State University
14 System procurement, and, additionally, ss. 255.05, 255.051,
15 255.0516, 255.0525, 255.101, and 255.102, for construction
16 contracts, and rules adopted pursuant thereto, relating to the
17 utilization of minority business enterprises, except that
18 procurements costing less than the amount provided for in
19 CATEGORY FIVE as provided in s. 287.017 are ~~shall not be~~
20 subject to s. 287.0945(7)(a).

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

26 (u) Provide for a program of multiyear appointments
27 whereby the universities are authorized to appoint employees,
28 including ranked faculty members, for a fixed term of
29 employment.

30 (8)(a) The Board of Regents, with the consent of the
31 Board of Trustees of the Internal Improvement Trust Fund, may

1 sell, convey, transfer, exchange, trade, or purchase real
2 property and related improvements as necessary and desirable
3 to serve the needs and purposes of a university in the State
4 University System.

5 (b) Notwithstanding s. 253.025 or s. 287.057, when the
6 board finds it to be in the best interest of 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 which is
10 maintained by the Division of State Lands of the Department of
11 Environmental Protection in accordance with s. 253.025(6). If
12 the board directly contracts for appraisal services, it must
13 also contract for review services with an approved appraiser
14 who is not employed by the same appraisal firm.

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

23 (d) This subsection does not abrogate in any manner
24 the authority of the Board of Trustees of the Internal
25 Improvement Trust Fund or of the Division of State Lands to
26 approve a contract for purchase of state lands or to require
27 specified policies and procedures for obtaining clear legal
28 title to parcels that are purchased for state purposes. Title
29 to property acquired by the board shall vest in the Board of
30 Trustees of the Internal Improvement Trust Fund.

31 Notwithstanding the provisions of s. 283.33, books published

1 ~~by the State University System press shall not be subject to~~
2 ~~the bid requirements provided in s. 287.017.~~

3 Section 6. Subsections (1) and (3) of section
4 240.2097, Florida Statutes, are amended to read:

5 240.2097 Education programs, limited access status;
6 transfer students; student handbook; rules.--The Board of
7 Regents shall adopt rules to include the following provisions:

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

18 (3) Each university shall review ~~compile~~ and update as
19 necessary ~~annually~~ a student handbook that includes, but is
20 not limited to, ~~a comprehensive calendar that emphasizes~~
21 ~~important dates and deadlines,~~ student rights and
22 responsibilities, appeals processes available to students, a
23 roster of contact persons within the administrative staff
24 available to respond to student inquiries, and a statement as
25 to the State University System policy on acquired immune
26 deficiency syndrome including the name and telephone number of
27 the university acquired immune deficiency syndrome counselor.
28 Each student handbook must include a statement displayed
29 prominently which provides that the university will not
30 tolerate the sale, possession, or use of controlled
31 substances, with the exception of medication prescribed by a

1 physician and taken in accordance with the prescribed usage,
2 nor will the university tolerate the consumption of alcoholic
3 beverages by students younger than 21 years of age or the sale
4 of alcoholic beverages to students younger than 21 years of
5 age. Each student handbook must also list the legal and
6 university-specific sanctions that will be imposed upon
7 students who violate the law or university policies regarding
8 controlled substances and alcoholic beverages.

9 Section 7. Paragraph (a) of subsection (1) of section
10 240.2111, Florida Statutes is amended to read:

11 240.2111 Employee recognition program.--

12 (1)(a) Notwithstanding ~~the provisions of~~ s. 110.1245,
13 the Board of Regents and each university shall develop
14 procedures ~~promulgate rules~~ for an employee recognition
15 program that ~~which~~ provides for the following components:

16 1. A superior-accomplishment ~~superior accomplishment~~
17 component to recognize employees who have contributed
18 outstanding and meritorious service in their fields, including
19 those who have made exceptional contributions to efficiency,
20 economy, or other improvement in State University System
21 operations. A ~~No~~ cash award under the superior-accomplishment
22 ~~superior accomplishment~~ component of the program may not ~~shall~~
23 exceed \$1,000, excluding applicable taxes.

24 2. A satisfactory-service ~~satisfactory service~~
25 component to recognize employees who have achieved increments
26 of 5 continuous years of satisfactory service to the Board of
27 Regents, university, or state in appreciation and recognition
28 of such service. A ~~No~~ cash award granted under the
29 satisfactory-service ~~satisfactory service~~ component may not
30 ~~shall~~ exceed \$50, excluding applicable taxes.

31

1 Section 8. Section 240.214, Florida Statutes, is
2 amended to read:

3 240.214 State University System accountability
4 process.--It is the intent of the Legislature that an
5 accountability process be implemented which provides for the
6 systematic, ongoing evaluation of quality and effectiveness in
7 the State University System. It is ~~further~~ the further intent
8 of the Legislature that this accountability process monitor
9 performance at the system level and at the individual
10 university level in each of the major program areas of
11 instruction, research, and public service, while recognizing
12 the differing missions of each of the state universities. The
13 accountability process must ~~shall~~ provide for the adoption of
14 systemwide program performance goals and measures ~~standards~~
15 ~~and performance goals for each standard~~ identified through a
16 collaborative effort involving the State University System,
17 the Legislature, and the Governor's Office. The accountability
18 process must ~~shall~~ result in an annual accountability reports
19 by the State University System and each university, which must
20 be submitted to the Legislature by December 31 of each year
21 ~~report to the Legislature.~~

22 (1) The State University System and each university
23 must use the identified measures in their accountability
24 reports to report the level of performance toward meeting
25 program goals and must identify performance standards against
26 which each subsequent year's progress will be measured. The
27 program goals and standards adopted through the accountability
28 process must be consistent with the goals and objectives in
29 the strategic plan required by s. 240.209 and with the
30 performance-based program budgeting process required by s.
31 216.0166.~~The annual accountability report shall include goals~~

1 ~~and measurable objectives related to the systemwide strategic~~
2 ~~plan pursuant to s. 240.209. The plan must include, at a~~
3 ~~minimum, objectives related to the following measures:~~
4 ~~(a) Total student credit hours;~~
5 ~~(b) Total number of contact hours of instruction~~
6 ~~produced by faculty, by institution, rank, and course level;~~
7 ~~(c) Pass rates on professional licensure examinations,~~
8 ~~by institution;~~
9 ~~(d) Institutional quality as assessed by followup,~~
10 ~~such as analyses of employment information on former students,~~
11 ~~national rankings, and surveys of alumni, parents, clients,~~
12 ~~and employers;~~
13 ~~(e) Length of time and number of academic credits~~
14 ~~required to complete an academic degree, by institution and by~~
15 ~~degree;~~
16 ~~(f) Enrollment, progression, retention, and graduation~~
17 ~~rates by race and gender;~~
18 ~~(g) Student course demand;~~
19 ~~(h) An analysis of administrative and support~~
20 ~~functions;~~
21 ~~(i) Every 3 years, beginning 1995-1996, an analysis of~~
22 ~~the cumulative debt of students; and~~
23 ~~(j) An evaluation of the production of classroom~~
24 ~~contact hours at each university in comparison to a standard~~
25 ~~of 12 contact hours per term or 32 contact hours per year for~~
26 ~~each full-time instructional position and the level of funding~~
27 ~~provided for instruction.~~
28 ~~(2) By December 31 of each year, the Board of Regents~~
29 ~~shall submit the annual accountability report providing~~
30 ~~information on the implementation of performance standards,~~
31 ~~actions taken to improve university achievement of performance~~

1 ~~goals, the achievement of performance goals during the prior~~
2 ~~year, and initiatives to be undertaken during the next year.~~
3 The accountability reports must ~~shall~~ be designed in
4 consultation with the Governor's Office, the Office of Program
5 Policy Analysis and Government Accountability ~~the Auditor~~
6 ~~General~~, and the Legislature.

7 (3) The Board of Regents shall recommend in the annual
8 accountability report any appropriate modifications to this
9 section.

10 Section 9. Section 240.227, Florida Statutes, is
11 amended to read:

12 240.227 University presidents; powers and duties.--The
13 president is the chief administrative officer of the
14 university and is responsible for the operation and
15 administration of the university. Each university president
16 has responsibility and accountability for decisions and
17 operations at the university level. Each university president
18 may communicate freely his or her ideas and represent his or
19 her institution to the Board of Regents, state and federal
20 legislators, state officials, faculty and staff, students,
21 parents, alumni, supporters, the general public, and other
22 constituencies. Each university president shall communicate
23 with the Chancellor and the Board of Regents in a timely
24 fashion, and the Chancellor shall communicate with the
25 presidents in a timely fashion. The president is appointed,
26 evaluated, and removed by the Board of Regents, serves under
27 conditions of employment which are set by the board, and is
28 responsible to the board.Each university president shall:

29 (1) Develop and adopt rules governing the operation
30 and administration of the university. The ~~Such~~ rules must
31 ~~shall~~ be consistent with the mission of the university and

1 statewide rules and policies and must ~~shall~~ assist in the
2 development of the university in a manner that ~~which~~ will
3 complement the missions and activities of the other
4 universities for the overall purpose of achieving the highest
5 quality of education for the citizens of the state.

6 (2) Prepare a budget request to be transmitted to the
7 Board of Regents. The ~~Such~~ request must ~~shall~~ be prepared in
8 accordance with the fiscal policy guidelines, formats, and
9 instructions prescribed by the Board of Regents.

10 (3) Develop an operating budget.

11 (4) Conduct biennially a space utilization study to
12 support the university budget request for capital outlay.

13 (5) Appoint university personnel and provide for the
14 compensation and other conditions of employment consistent
15 with applicable collective bargaining agreements and the Board
16 of Regents rule for university personnel who are exempt from
17 chapter 110.

18 (6) Certify annually to the Board of Regents the
19 actual classroom contact hours conducted by each faculty
20 member.

21 (7) Maintain all data and information pertaining to
22 the operation of the university.

23 (8) Govern admissions, subject to rules of the Board
24 of Regents and as provided in s. 240.233.

25 (9) Develop a program of continuing education and
26 establish, pursuant to rules and guidelines adopted by the
27 Board of Regents, fees for continuing education activities
28 within the university service area when there is a
29 demonstrated and justified need. The university is authorized
30 to cooperate with any public utility, any other governmental
31 entity or private individual, or any type of for-profit ~~profit~~

1 or nonprofit legal entity in connection with the establishment
2 and operation of such a continuing education program, by means
3 including the acceptance of money and other things of value.

4 (10) Provide and coordinate credit and noncredit
5 extension courses in all fields which the university considers
6 necessary to improve and maintain the educational standards of
7 the university service area.

8 (11) Make rules necessary for the establishment and
9 maintenance of a personnel exchange program, by which persons
10 employed within the university as instructional and research
11 faculty and comparable administrative and professional staff
12 may be exchanged with persons employed in like capacities by
13 institutions of higher learning which are not under the
14 jurisdiction of the university, by units of government either
15 within or without this state, or by private industry. The
16 salary and benefits of State University System and state
17 personnel participating in the exchange program must ~~shall~~ be
18 continued while they are participating ~~during the period of~~
19 ~~time they participate~~ in the exchange program, and ~~such~~
20 ~~personnel shall be deemed to have no break in creditable or~~
21 ~~continuous state service or employment during~~ the period of
22 time during in which such personnel they participate in the
23 exchange program does not constitute a break in their
24 creditable or continuous state service or employment. The
25 salary and benefits of persons participating in the personnel
26 exchange program who are employed by institutions of higher
27 learning which are not under the jurisdiction of the
28 university, by units of government either within or without
29 this state, or by private industry must ~~shall~~ be paid by the
30 originating employers of those participants. The duties and
31 responsibilities of a person who is participating in the

1 exchange program must ~~shall~~ be the same as those of the person
2 he or she replaces.

3 (12) Approve and execute contracts for the acquisition
4 of commodities, goods, for equipment, for services, including
5 educational services, for leases of for real and personal
6 property, and for construction to be rendered to or by the
7 university, provided such contracts are made pursuant to rules
8 of the Board of Regents the provisions of chapter 287, as
9 applicable, are for the implementation of approved programs of
10 the university, and do not require expenditures in excess of
11 \$1 million~~\$500,000~~. The acquisition Goods and equipment may
12 be made acquired by installment or lease-purchase contract.
13 Such contracts may provide for the payment of interest on the
14 unpaid portion of the purchase price.

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

27 (14) Establish the internal academic calendar of the
28 university within general guidelines of the Board of Regents.

29 (15) Administer the university's program of
30 intercollegiate athletics.

31

1 (16) Recommend to the Board of Regents the
2 establishment and termination of degree programs within the
3 approved role and scope of the university.

4 (17) Award degrees.

5 (18) Supervise all construction contracts.

6 (19) Administer personnel programs established by the
7 Board of Regents and any applicable collective bargaining
8 agreements under the supervision of the Board of Regents.

9 (20) Recommend to the Board of Regents any fees
10 applicable to the university and not otherwise prescribed by
11 law.

12 (21) Organize the university so as to ~~efficiently and~~
13 ~~effectively~~ achieve efficiently and effectively the goals of
14 the university; however, any reorganization that ~~which~~
15 increases the number of administrators or their level of
16 compensation is subject to the review and approval of ~~shall be~~
17 ~~reviewed and approved by~~ the Board of Regents.

18 (22) Review periodically the operations of the
19 university in order to determine whether the rules and
20 policies of the Board of Regents and the universities are
21 being followed and to determine how effectively and
22 efficiently the university is being administered.

23 (23) Otherwise provide for the effective operation of
24 the university in the achievement of the goals established for
25 it in the strategic plan adopted by the Board of Regents.

26 (24) Adopt rules and enter into agreements for student
27 exchange programs that ~~which~~ involve students at the
28 university and students in institutions of higher learning,
29 either within or without the state, which are not in the State
30 University System. Such agreements may provide that the
31 tuition and fees of a student who is enrolled in a university

1 | in the State University System and who is participating in an
2 | exchange program are to ~~shall~~ be paid to the state university
3 | while ~~during the period of time~~ he or she is participating in
4 | the exchange program. Such agreements may also provide that
5 | the tuition and fees of a student who is enrolled in an
6 | institution that ~~which~~ is not in the State University System
7 | and who is participating in an exchange program are to ~~shall~~
8 | be paid to the nonstate institution in which he or she is
9 | enrolled.

10 | (25) Approve and execute general construction
11 | contracts within guidelines established by the Board of
12 | Regents. As used in this subsection, the term "general
13 | construction contract" means a contract for a project that is
14 | publicly bid and awarded to the lowest responsive and
15 | responsible bidder, and does not include agreements covering
16 | any projects contracted through design-build, construction
17 | management, or program management procedures, or contracts
18 | with professional consultants under s. 287.055.

19 | Section 10. Subsection (1) of section 240.235, Florida
20 | Statutes, is amended to read:

21 | 240.235 Fees.--

22 | (1) Subject to legislative approval,each university
23 | is authorized to establish separate activity and service,
24 | health, and athletic fees. When duly established, the fees
25 | shall be collected as component parts of the registration and
26 | tuition fees and shall be retained by the university and paid
27 | into the separate activity and service, health, and athletic
28 | funds in depositories approved by the State Treasurer under s.
29 | 18.10.

30 | (a)1. Each university president shall establish a
31 | student activity and service fee on the main campus of the

1 university. The university president may also establish a
2 student activity and service fee on any branch campus or
3 center. Any subsequent request to increase in the activity
4 and service fee must be recommended by an activity and service
5 fee committee, at least one-half of whom are students
6 appointed by the student body president. The remainder of the
7 committee shall be appointed by the university president. A
8 chairperson, appointed jointly by the university president and
9 the student body president, shall vote only in the case of a
10 tie. The recommendations of the committee shall be submitted
11 to take effect only after approval by the university president
12 for submission to, ~~after consultation with the student body~~
13 ~~president, with final approval by~~ the Board of Regents. ~~An~~
14 ~~increase in the activity and service fee may occur only once~~
15 ~~each fiscal year and must be implemented beginning with the~~
16 ~~fall term.~~The Board of Regents shall submit its
17 recommendations for the fee increase to the Legislature is
18 ~~responsible for promulgating the rules and timetables~~
19 ~~necessary to implement this fee.~~ If the Legislature fails to
20 act, the recommendations of the Board of Regents may be
21 implemented by rule.

22 2. The student activity and service fees shall be
23 expended for lawful purposes to benefit the student body in
24 general. This shall include, but shall not be limited to,
25 student publications and grants to duly recognized student
26 organizations, the membership of which is open to all students
27 at the university without regard to race, sex, or religion.
28 The fund may not benefit activities for which an admission fee
29 is charged to students, except for
30 student-government-association-sponsored concerts. The
31 allocation and expenditure of the fund shall be determined by

1 the student government association of the university, except
2 that the president of the university may veto any line item or
3 portion thereof within the budget when submitted by the
4 student government association legislative body. The
5 university president shall have 15 school days from the date
6 of presentation of the budget to act on the allocation and
7 expenditure recommendations, which shall be deemed approved if
8 no action is taken within the 15 school days. If any line item
9 or portion thereof within the budget is vetoed, the student
10 government association legislative body shall within 15 school
11 days make new budget recommendations for expenditure of the
12 vetoed portion of the fund. If the university president
13 vetoes any line item or portion thereof within the new budget
14 revisions, the university president may reallocate by line
15 item that vetoed portion to bond obligations guaranteed by
16 activity and service fees. Unexpended funds and undisbursed
17 funds remaining at the end of a fiscal year shall be carried
18 over and remain in the student activity and service fund and
19 be available for allocation and expenditure during the next
20 fiscal year.

21 (b) Each university president shall establish a
22 student health fee on the main campus of the university. The
23 university president may also establish a student health fee
24 on any branch campus or center. Any subsequent increase in the
25 health fee must be recommended by a health committee, at least
26 one-half of whom are students appointed by the student body
27 president. The remainder of the committee shall be appointed
28 by the university president. A chairperson, appointed jointly
29 by the university president and the student body president,
30 shall vote only in the case of a tie. The recommendations of
31 the committee shall take effect only after approval by the

1 university president, ~~after consultation with~~ the student body
2 president, ~~and with final approval by~~ the Board of Regents,
3 with final approval by the Legislature in accordance with s.
4 240.235(1)(a)1. An increase in the health fee may occur only
5 once each fiscal year and must be implemented beginning with
6 the fall term. The Board of Regents is responsible for
7 promulgating the rules and timetables necessary to implement
8 this fee.

9 (c) Each university president shall establish a
10 separate athletic fee on the main campus of the university.
11 The university president may also establish a separate
12 athletic fee on any branch campus or center. The initial
13 aggregate athletic fee at each university shall be equal to,
14 but may be no greater than, the 1982-1983 per-credit-hour
15 activity and service fee contributed to intercollegiate
16 athletics, including women's athletics, as provided by s.
17 240.533. Concurrently with the establishment of the athletic
18 fee, the activity and service fee shall experience a one-time
19 reduction equal to the initial aggregate athletic fee. Any
20 subsequent increase in the athletic fee must be recommended by
21 an athletic fee committee, at least one-half of whom are
22 students appointed by the student body president. The
23 remainder of the committee shall be appointed by the
24 university president. A chairperson, appointed jointly by the
25 university president and the student body president, shall
26 vote only in the case of a tie. The recommendations of the
27 committee shall take effect only after approval by the
28 university president, after consultation with the student body
29 president and the Board of Regents, with final approval by the
30 Legislature in accordance with s. 240.235(1)(a)1 ~~Board of~~
31 ~~Regents~~. An increase in the athletic fee may occur only once

1 each fiscal year and must be implemented beginning with the
2 fall term. The Board of Regents is responsible for
3 promulgating the rules and timetables necessary to implement
4 this fee.

5 Section 11. Subsection (16) is added to section
6 240.241, Florida Statutes, to read:

7 240.241 Divisions of sponsored research at state
8 universities.--

9 (16) Section 216.346 does not apply to contracts or
10 subcontracts between state universities.

11 Section 12. Section 240.2605, Florida Statutes, is
12 amended to read:

13 240.2605 Trust Fund for Major Gifts.--

14 (1) There is established a Trust Fund for Major Gifts.
15 The purpose of the ~~Such~~ trust fund is to enable ~~shall provide~~
16 the Board of Regents Foundation, each university, and New
17 College ~~with the opportunity~~ to provide donors with an
18 incentive in the form of matching grants for donations for the
19 establishment of permanent endowments, which must ~~shall~~ be
20 invested, with the proceeds of the investment used to support
21 libraries and instruction and research programs, as defined by
22 procedure ~~rule~~ of the Board of Regents. All funds appropriated
23 for the challenge grants, new donors, major gifts, or eminent
24 scholars program must ~~shall~~ be deposited into the trust fund
25 and invested pursuant to ~~the provisions of~~ s. 18.125 until the
26 Board of Regents allocates the ~~such~~ funds to universities to
27 match private donations. Notwithstanding ~~the provisions of~~ s.
28 216.301 and pursuant to s. 216.351, any undisbursed balance
29 remaining in the trust fund and interest income accruing to
30 the portion of the trust fund which is not matched and
31 distributed to universities must remain in the trust fund and

1 used to ~~shall~~ increase the total funds available for challenge
2 grants. The Board of Regents may authorize any university to
3 encumber the state matching portion of a challenge grant from
4 funds available under s. 240.272.

5 (2) The Board of Regents shall specify the process for
6 submission, documentation, and approval of requests for
7 matching funds, accountability for endowments and proceeds of
8 endowments, allocations to universities, restrictions on the
9 use of the proceeds from endowments, and criteria used in
10 determining the value of donations.

11 (3)(a) The Board of Regents shall allocate the amount
12 appropriated to the trust fund ~~shall be allocated by the Board~~
13 ~~of Regents~~ to the Board of Regents Foundation, each
14 university, and New College based on the amount of the
15 donation and the restrictions applied to the donation.

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

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

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

27 3. The Board of Regents Foundation and each university
28 that raises a contribution in excess of \$1 million but no more
29 than \$1.5 million from a private source must ~~shall~~ receive a
30 matching grant equal to 75 percent of the private
31 contribution.

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

6 5. The Board of Regents Foundation and each university
7 that raises a contribution in excess of \$2 million from a
8 private source must ~~shall~~ receive a matching grant equal to
9 100 percent of the private contribution.

10 (c) The Board of Regents shall encumber state matching
11 funds for any pledged contributions, pro rata, based on the
12 requirements for state matching funds as specified for the
13 particular challenge grant and the amount of the private
14 donations actually received by the university or Board of
15 Regents Foundation for the respective challenge grant.

16 (4) Matching funds may be provided for contributions
17 encumbered or pledged under the Florida Endowment Trust Fund
18 for Eminent Scholars Act prior to July 1, 1994, and for
19 donations or pledges of any amount equal to or in excess of
20 the prescribed minimums which are pledged for the purpose of
21 this section.

22 (5)(a) The Board of Regents Foundation, each
23 university foundation, and New College Foundation shall
24 establish a challenge grant account for each challenge grant
25 as a depository for private contributions and state matching
26 funds to be administered on behalf of the Board of Regents,
27 the university, or New College. State matching funds must
28 ~~shall~~ be transferred to a university foundation or New College
29 Foundation upon notification that the university or New
30 College has received and deposited the amount specified in
31 this section in a foundation challenge grant account.

1 (b) The foundation serving a university and New
2 College Foundation each has ~~shall have~~ the responsibility for
3 the maintenance and investment of its challenge grant account
4 and for the administration of the program on behalf of the
5 university or New College, pursuant to procedures specified by
6 the Board of Regents. Each foundation shall include in its
7 annual report to the Board of Regents information concerning
8 collection and investment of matching gifts and donations and
9 investment of the account.

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

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

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

22 Section 13. Section 240.274, Florida Statutes, is
23 amended to read:

24 240.274 Universities; public documents distributed to
25 libraries.--The general library of each institution in the
26 State University System is entitled to receive copies of
27 reports of state officials, departments, and institutions and
28 all other state documents published by the state. Each
29 officer of the state empowered by law to distribute such
30 public documents is authorized to transmit without charge,
31 except for payment of shipping costs, the number of copies of

1 each public document desired upon requisition from the
2 librarian. It is the duty of the library to keep public
3 documents in a convenient form accessible to the public. The
4 library, ~~under rules formulated by the Board of Regents,~~ is
5 authorized to exchange documents for those of other states,
6 territories, and countries.

7 Section 14. Subsection (1) of section 240.2803,
8 Florida Statutes, is amended to read:

9 240.2803 Auxiliary enterprises; contracts, grants, and
10 donations; definitions.--As used in s. 19(f)(3), Art. III of
11 the State Constitution, the term:

12 (1) "Auxiliary enterprises" includes activities that
13 directly or indirectly provide a product, a service, or both
14 to a university or its students, faculty, or staff and for
15 which a charge is made ~~is charged a fee related to, but not~~
16 ~~necessarily in an amount that will cover, the cost of the~~
17 ~~service.~~ These Auxiliary enterprises are generally business
18 activities of a university which require no support from the
19 General Revenue Fund and each of which operates as a
20 self-sufficient unit. ~~operations, and They~~ include housing,
21 bookstores, student health services, continuing education
22 programs, food services, college stores, vending machines,
23 specialty shops, day care centers, ~~golf courses,~~ student
24 activities programs, ~~financial aid programs,~~ intercollegiate
25 athletics programs, and other similar programs ~~for which the~~
26 ~~funds are deposited outside the State Treasury.~~

27 Section 15. Subsection (9) of section 240.281, Florida
28 Statutes, is amended to read:

29 240.281 Deposit of funds received by institutions and
30 agencies in the State University System.--All funds received
31 by any institution or agency in the State University System,

1 from whatever source received and for whatever purpose, shall
2 be deposited in the State Treasury subject to disbursement in
3 such manner and for such purposes as the Legislature may by
4 law provide. The following funds shall be exempt from the
5 provisions of this section and, with the approval of the Board
6 of Regents, may be deposited outside the State Treasury:

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

10 Section 16. Subsections (2) and (3) of section
11 240.295, Florida Statutes, are amended to read:

12 240.295 State University System; authorization for
13 fixed capital outlay projects.--

14 (2) The following types of projects may be
15 accomplished pursuant to the restrictions identified in
16 subsection (1):

17 (a) Construction of any new buildings, or remodeling
18 of existing buildings, when funded from nonstate sources such
19 as federal grant funds, private gifts, grants, or lease
20 arrangements if such grants or gifts are given for the
21 specific purpose of construction;

22 (b) The replacement of any buildings destroyed by fire
23 or other calamity;

24 (c) Construction of projects financed as provided in
25 s. 240.2093 or part I of chapter 243;

26 (d) Construction of dormitories or other auxiliary
27 accommodations;

28 (e)~~(d)~~ Construction of new facilities or remodeling of
29 existing facilities to meet needs for research, provided that
30 such projects are financed pursuant to s. 240.241; or
31

1 (f)~~(e)~~ Construction of facilities or remodeling of
2 existing facilities to meet needs as determined by the
3 university, provided that the amount of funds for any such
4 project does not exceed \$500,000, and the trust funds, other
5 than the funds used to accomplish projects contemplated in
6 this subsection, are authorized and available for such
7 purposes.

8 (3) Other than those projects currently authorized, a
9 ~~no~~ project proposed by a university which is to be funded from
10 Capital Improvement Trust Fund fees or building fees may not
11 ~~shall~~ be submitted to the Board of Regents for approval
12 without prior consultation with the student government
13 association of that university. ~~The Board of Regents shall~~
14 ~~promulgate rules which are consistent with this requirement.~~

15 Section 17. Present subsections (3) and (4) of section
16 243.151, Florida Statutes, are redesignated as subsections (4)
17 and (5), respectively, and amended, and a new subsection (3)
18 is added to that section, to read:

19 243.151 Lease agreements; land, facilities.--

20 (3) Upon approval by the Board of Regents, a
21 university may:

22 (a) Construct educational facilities on land that is
23 owned by a direct support organization, as defined in s.
24 240.299, or a governmental agency at the federal, state,
25 county, or municipal level, if the university has acquired a
26 long-term lease for the use of the land. The lease must be for
27 at least 40 years or for the period of time during which the
28 facilities that are to be constructed on the land are expected
29 to remain in a condition acceptable for use, whichever is
30 longer.

31

1 (b) Acquire a short-term lease from one of the
2 entities listed in paragraph (a) for the use of land, if
3 adequate temporary or relocatable facilities are available on
4 the land.

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

7
8 If sufficient land is not available from any of the entities
9 listed in paragraph (a), a university may acquire a short-term
10 lease from a private landowner or developer.

11 (4)(3) Agreements as provided in this section must
12 ~~shall~~ be entered into with an offeror resulting from publicly
13 announced competitive bids or proposals, except that the
14 university may enter into an agreement with the entities
15 enumerated in paragraph (3)(a) for leasing land or with a
16 direct-support organization as provided in s. 240.299, which
17 may ~~shall~~ enter into subsequent agreements for financing and
18 constructing the project only after receiving competitive bids
19 or proposals. Any facility constructed, lease-purchased, or
20 purchased under such agreements, whether erected on land under
21 the jurisdiction of the university or not, must ~~shall~~ conform
22 to the construction standards and codes applicable to
23 university facilities. The Board of Regents shall adopt such
24 rules as are necessary to carry out its duties and
25 responsibilities imposed by this section.

26 (5)(4) Agreements executed by the Board of Regents
27 prior to January 1, 1980, for the purposes listed herein shall
28 be validated, and said board's capacity to act in such cases
29 ratified and confirmed.

30 Section 18. Subsection (1) of section 287.012, Florida
31 Statutes, is amended to read:

1 287.012 Definitions.--The following definitions shall
2 apply in this part:

3 (1) "Agency" means any of the various state officers,
4 departments, boards, commissions, divisions, bureaus, and
5 councils and any other unit of organization, however
6 designated, of the executive branch of state government. The
7 term "agency" does not include the Board of Regents or the
8 State University System; however, this exception does not
9 exempt the Board of Regents or the State University System
10 from the provisions of s. 287.055 regarding consultant
11 selection or s. 120.53(5) regarding the contract bidding
12 process.

13 Section 19. Section 287.017, Florida Statutes, is
14 amended to read:

15 287.017 Purchasing categories, threshold amounts;
16 procedures for automatic adjustment by division.--

17 (1) The following purchasing categories are hereby
18 created:

19 (a) CATEGORY ONE: \$5,000.

20 (b) CATEGORY TWO: \$15,000.

21 (c) CATEGORY THREE: \$20,000.

22 (d) CATEGORY FOUR: \$60,000.

23 (e) CATEGORY FIVE: \$120,000.

24 (2) The division shall adopt rules to annually adjust
25 the amounts provided in subsection (1) based upon the rate of
26 change of a nationally recognized price index. Such rules
27 must ~~shall~~ include, but need not be limited to, ~~the following:~~

28 (a) Designating ~~Designation~~ of the nationally
29 recognized price index or component thereof used to calculate
30 the proper adjustment authorized in this section.

31 (b) Prescribing the procedure for rounding results.

1 (c) Establishing the effective date of each annual
2 adjustment based upon the previous calendar year data.

3 ~~(3) Notwithstanding s. 240.225, the State University~~
4 ~~System shall be subject to the rules adopted pursuant to this~~
5 ~~section.~~

6 Section 20. Section 240.225, Florida Statutes; section
7 240.247, Florida Statutes; subsection (4) of section 240.4988,
8 Florida Statutes; and sections 15 and 16 of chapter 94-232,
9 Laws of Florida, are repealed.

10 Section 21. This act shall take effect July 1, 1998.

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SENATE SUMMARY

Amends provisions relating to the State University System. Deletes a reporting requirement for the Board of Regents with respect to other-personal-services employees. Deletes the authority of the Board of Regents to construct facilities on leased property and to enter into certain leases. Revises provisions relating to Board of Regents' contracts and acquisition of property and services. Requires an orientation program for members of the Board of Regents. Amends duties of the Board of Regents. Revises requirements for the board with respect to procurement and construction contracts. Authorizes the Board of Regents to acquire and dispose of real property. Provides procedures for appraisals and property acquisition. Provides for personnel contracts. Deletes a requirement that the Board of Regents report to the Legislature on limited-access programs. Revises requirements for student handbooks. Deletes a requirement that an employee recognition program be adopted by rule. Revises accountability goals and reporting procedures for the State University System. Provides responsibilities of university presidents. Provides for appointing university presidents. Revises duties of university presidents relating to acquisition of, and contracts for and management of, property and financial resources and approval and execution of general construction contracts. Requires legislative approval of fee increases. Amends provisions relating to divisions of sponsored research at state universities. Provides an exemption from certain contract requirements. Amends provisions relating to the Trust Fund for Major Gifts; deletes the Board of Regents' rulemaking power concerning major gifts. Authorizes the Board of Regents Foundation to participate in the major gifts program. Deletes Board of Regents' rulemaking power relating to university libraries. Revises provisions concerning funds included within the definition of auxiliary enterprises. Revises the authority for an institution to deposit certain funds outside the State Treasury. Revises provisions relating to fixed capital outlay projects concerning dormitories, deleting Board of Regents' rulemaking power. Provides a procedure through which a university may construct facilities on leased property. Amends provisions relating to purchasing and contractual services, providing specified responsibilities. Revises the threshold amounts of purchasing categories. Deletes the applicability of certain rules to the State University System. Deletes provisions relating to delegation of authority by the Department of Management Services to the State University System, eradication of salary discrimination, Board of Regents' rules for the Theodore R. and Vivian M. Johnson Scholarship Program, the title of ch. 239, F.S., and a directive to the Division of Statutory Revision.