

By Senator Grant

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A bill to be entitled

An act relating to rulemaking authority of boards of trustees of community colleges (RAB); amending s. 240.319, F.S.; prescribing rulemaking authority or such boards of trustees; providing an effective date.

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

Section 1. Section 240.319, Florida Statutes, as amended by section 2 of chapter 97-383, Laws of Florida, is amended to read:

240.319 Community college district boards of trustees; duties and powers.--

(1) Each community college district board of trustees is vested with the responsibility to operate its respective community college and with such necessary authority as is ~~may~~ ~~be~~ needed for the proper operation and improvement thereof in accordance with rules of the State Board of Education and State Board of Community Colleges.

(2) In carrying out this responsibility, the trustees, after considering recommendations submitted by the community college president, may ~~shall be authorized to~~ adopt such rules, procedures, and policies as are necessary to operate the community college in such a manner as to assure the fulfillment of the responsibilities assigned to the board of trustees. These rules, procedures, and policies may supplement those prescribed by the State Board of Education and the State Board of Community Colleges if they will contribute to the more orderly and efficient operation of the state community college system.

1 (3) Each community college district board of trustees
2 is specifically authorized to adopt rules, procedures, and
3 policies, consistent with law and rules of the State Board of
4 Education and State Board of Community Colleges, related to
5 its mission and responsibilities as set forth in s. 240.301,
6 its governance, personnel, budget and finance, administration,
7 programs, curriculum and instruction, buildings and grounds,
8 travel and purchasing, technology, students, contracts and
9 grants, or college property.

10 (4) Such rules, procedures, and policies for the
11 boards of trustees include, but are not limited to, the
12 following:

13 (a) Each board of trustees shall appoint, suspend, or
14 remove the president of the community college. The board of
15 trustees may appoint a search committee. The board of
16 trustees shall conduct periodic evaluations of the president
17 ~~shall be conducted~~ in accordance with rules of the State Board
18 of Community Colleges and submit such evaluations ~~shall be~~
19 ~~submitted~~ to the State Board of Community Colleges for review.

20 (b) Each board of trustees has responsibility for the
21 establishment and discontinuance of program and course
22 offerings; provision for instructional and noninstructional
23 community services, location of classes, and services
24 provided; and dissemination of information concerning such
25 programs and services.

26 (c) Each board of trustees constitutes the contracting
27 agent of the community college. It may when acting as a body
28 make contracts, sue, and be sued in the name of the board of
29 trustees. In any suit, a change in personnel of the board
30 shall not abate the suit, which shall proceed as if such
31 change had not taken place. Each board may adopt rules,

1 procedures, and policies related to contracts and contract
2 management.

3 (d) Whenever the Department of Education finds it
4 necessary for the welfare and convenience of any community
5 college to acquire private property for the use of the
6 community college and the property cannot be acquired by
7 agreement satisfactory to the district board of trustees of
8 the ~~such~~ community college and the parties interested in, or
9 the owners of, the private property, the district board of
10 trustees may exercise the right of eminent domain after
11 receiving approval therefor from the State Board of Education
12 and may then proceed to condemn the property in the manner
13 provided by chapters 73 and 74.

14 (e) Each board of trustees may enter into
15 lease-purchase arrangements with private individuals or
16 corporations for necessary grounds and buildings for community
17 college purposes, other than dormitories, or for buildings
18 other than dormitories to be erected for community college
19 purposes. Such arrangements shall be paid from capital outlay
20 and debt service funds as provided by s. 240.359(2), with
21 terms not to exceed 30 years at a stipulated rate. The
22 provisions of such contracts, including building plans, are
23 subject to approval by the Department of Education, and no
24 such contract may be entered into without such approval. The
25 State Board of Education may adopt ~~is authorized to promulgate~~
26 such rules as it deems necessary to administer ~~implement the~~
27 ~~provisions of~~ this paragraph.

28 (f) Each board of trustees may purchase, acquire,
29 receive, hold, own, manage, lease, sell, dispose of, and
30 convey title to real property, in the best interests of the
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1 college, pursuant to rules adopted by the State Board of
2 Education.

3 (g) Each board of trustees is authorized to enter into
4 agreements for, and accept, credit card payments as
5 compensation for goods, services, tuition, and fees. Each
6 community college is further authorized to establish accounts
7 in credit card banks for the deposit of credit card sales
8 invoices.

9 (h) Each board of trustees may adopt, by rule, a
10 uniform code of appropriate penalties for violations of its
11 rules by students and employees. Such penalties, unless
12 otherwise provided by law, may include fines, the withholding
13 of diplomas or transcripts pending compliance with rules or
14 payment of fines, and the imposition of probation, suspension,
15 or dismissal.

16 (i) Each board of trustees may consider the past
17 actions of any person applying for admission or employment and
18 may provide, by board rule or procedure, for denying
19 admission, enrollment, or employment to a person if past
20 actions have been found to disrupt or interfere with the
21 orderly conduct, processes, functions, or programs of any
22 other university, college, or community college.

23 (j) Each board of trustees is authorized to develop
24 and produce work products relating ~~which relate~~ to educational
25 endeavors which are subject to trademark, copyright, or patent
26 statutes. To this end, the board shall consider the relative
27 contribution by the personnel employed in the development of
28 such work products and shall enter into binding agreements
29 with such personnel, organizations, corporations, or
30 government entities, which agreements shall establish the
31 percentage of ownership of such trademarks, copyrights, or

1 patents. Any other law to the contrary notwithstanding, the
2 board is authorized in its own name to:

3 1. Perform all things necessary to secure letters of
4 patent, copyrights, and trademarks on any such work products
5 and to enforce its rights therein.

6 2. License, lease, assign, or otherwise give written
7 consent to any person, firm, or corporation for the
8 manufacture or use thereof on a royalty basis or for such
9 other consideration as the board deems proper.

10 3. Take any action necessary, including legal action,
11 to protect the same against improper or unlawful use of
12 infringement.

13 4. Enforce the collection of any sums due the board
14 for the manufacture or use thereof by any other party.

15 5. Sell any of the same and execute all instruments
16 necessary to consummate any such sale.

17 6. Do all other acts necessary and proper for the
18 execution of powers and duties provided by this paragraph.

19 (k) Each board of trustees shall provide rules
20 governing parking and the direction and flow of traffic within
21 campus boundaries and may hire appropriate personnel to
22 enforce campus parking rules. Such persons have no authority
23 to arrest or issue citations for moving traffic violations.
24 The board of trustees may adopt, by rule, a uniform code of
25 appropriate penalties for violations. Such penalties, unless
26 otherwise provided by law, may include the levying of fines,
27 the withholding of diplomas or transcripts pending compliance
28 with rules or payment of fines, and the imposition of
29 probation, suspension, or dismissal. Moneys collected from
30 parking rule infractions shall be deposited in appropriate
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1 funds at each community college for student financial aid
2 purposes.

3 (1)1. Each board of trustees may adopt rules,
4 procedures, and policies related to ~~shall provide for~~ the
5 appointment, employment, and removal of personnel. The board
6 shall determine the compensation, including salaries and
7 fringe benefits, and other conditions of employment for such
8 personnel, including the president.

9 2. The board is authorized to enter into a contract
10 with the president in accordance with the provisions of this
11 chapter. Any such contract may fix the duration of employment
12 and the compensation therefor and may contain any other terms
13 and conditions the board deems appropriate. In addition, the
14 board may furnish the president with the use of a motor
15 vehicle or an allowance in lieu thereof. If any such vehicle
16 is furnished, the board shall determine and fix the maximum
17 noncollege use of the same. Each board of trustees shall, ~~no~~
18 ~~later than July 1, 1984,~~ adopt, by rule, procedures governing
19 the employment and dismissal of the community college
20 president. Such rule shall be incorporated into the contract
21 for employment.

22 (m) Each board of trustees may provide for recognition
23 of employees who have contributed outstanding and meritorious
24 service in their fields and may adopt and implement a program
25 of meritorious service awards to employees who propose
26 procedures or ideas that ~~which~~ are adopted and that ~~which~~ will
27 result in eliminating or reducing community college
28 expenditures or improving community college operations. The
29 community college is authorized to expend funds for such
30 recognition and awards. An ~~No~~ award granted under the
31 provisions of this paragraph may not exceed \$2,000 or 10

1 percent of the first year's gross savings, whichever is
2 greater.

3 (n) Each board of trustees may adopt rules,
4 procedures, and policies related to students, enrollment of
5 students, student activities,~~provide for~~ loans, scholarships,
6 and other student services.

7 (o) Each board of trustees may adopt rules,
8 procedures, and policies related to risk management, safety,
9 security, and is authorized to establish a policy for law
10 enforcement operations. Each board of trustees is authorized
11 to employ personnel to carry out the duties imposed by this
12 paragraph.

13 (p) Each board of trustees is authorized to contract
14 for the purchase, lease, or acquisition in any manner
15 (including purchase by installment or lease-purchase contract
16 which may provide for the payment of interest on the unpaid
17 portion of the purchase price and for the granting of a
18 security interest in the items purchased) of goods, materials,
19 equipment, and services required by the college. The board of
20 trustees may choose to consolidate ~~have such~~ equipment
21 contracts ~~consolidated~~ under master equipment financing
22 agreements made pursuant to s. 287.064.

23 (q) Each board of trustees is authorized to establish
24 and maintain a personnel exchange program, by which persons
25 employed within the community college as vocational
26 instructors and comparable administrative and professional
27 staff may be exchanged with persons employed in like
28 capacities by institutions of higher learning which are not
29 under the jurisdiction of the community college, by units of
30 government either within or without this state, or by private
31 industry. The salary and benefits of community college and

1 state personnel participating in the exchange program shall be
2 continued during the period of time they participate in the
3 exchange program, and such personnel shall be deemed to have
4 no break in creditable or continuous state service or
5 employment during the period of time in which they participate
6 in the exchange program. The salary and benefits of persons
7 participating in the personnel exchange program who are
8 employed by institutions, units of government, or private
9 industry shall be paid by the originating employers of those
10 participants. The duties and responsibilities of a person
11 participating in the exchange program shall be the same as
12 those of the person he or she replaces.

13 (r) Each board of trustees is authorized to enter into
14 contracts to provide a State Community College System Optional
15 Retirement Program pursuant to s. 240.3195 and to enter into
16 consortia with other boards of trustees for this purpose.

17 (s) Each board of trustees has responsibility for:
18 ensuring that students have access to general education
19 courses as identified in rule; requiring no more than 60
20 semester hours of degree program coursework, including 36
21 semester hours of general education coursework, for an
22 associate in arts degree; notifying students that earned hours
23 in excess of 60 semester hours may not be accepted by state
24 universities; notifying students of unique program
25 prerequisites identified pursuant to s. 240.209(5)(f); and
26 ensuring that degree program coursework beyond general
27 education coursework is consistent with degree program
28 prerequisite requirements adopted pursuant to s.
29 229.551(1)(f)5.

30 (t) Each board of trustees is authorized to borrow
31 funds and incur debt, including the issuance of revenue bonds

1 as specifically authorized in ss. 239.117(17) and 240.35(13),
2 only for the new construction of educational facilities. At
3 the option of the board of trustees, bonds may be issued which
4 are secured by a combination of revenues authorized to be
5 pledged to bonds pursuant to ss. 239.117(17) and 240.35(13).

6 (u) Each board of trustees may adopt rules,
7 procedures, and policies related to compliance with federal
8 laws, regulations, and requirements.

9 (v) Each board of trustees may adopt rules,
10 procedures, and policies related to institutional governance,
11 administration, and management in order to promote orderly and
12 efficient operation, including, but not limited to, financial
13 management, budget management, physical-plant management, and
14 property management.

15 (w) Each board of trustees may adopt rules,
16 procedures, and policies related to data or technology,
17 including but not limited to, information systems,
18 communications systems, computer hardware and software, and
19 networks.

20 (x) Each board of trustees may adopt rules,
21 procedures, and policies related to the use, maintenance,
22 protection, and control of buildings and grounds, property, or
23 equipment.

24 Section 2. This act shall take effect upon becoming a
25 law.

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28 SENATE SUMMARY

29 Revises rulemaking authority of boards of trustees of
30 community colleges.