

1 A bill to be entitled
2 An act relating to postsecondary education;
3 amending s. 240.207, F.S.; providing terms of
4 office for members of the Board of Regents;
5 amending s. 240.209, F.S.; revising provisions
6 relating to the selection of the Chancellor;
7 deleting a restriction on the faculty
8 appointment of former university presidents;
9 creating s. 240.136, F.S.; requiring state
10 university and community college student
11 government associations to establish a process
12 for removal of certain student government
13 officials; providing requirements; providing
14 for a referendum; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Effective January 1, 1999, section 240.207,
19 Florida Statutes, is amended to read:

20 240.207 Board of Regents; appointment of members;
21 qualifications and terms of office.--

22 (1) The Board of Regents shall consist of the
23 Commissioner of Education and 13 ~~12~~ citizens of this state who
24 shall be selected from the state at large, representative of
25 the geographical areas of the state; who shall have been
26 residents and citizens thereof for a period of at least 10
27 years prior to their appointment (one of whom shall be a
28 member registered as a full-time student in the State
29 University System and who shall have been a resident of this
30 state for at least 5 years prior to appointment in lieu of the
31 10 years required of other members); and who shall be

1 appointed by the Governor, approved by three members of the
 2 Cabinet, and confirmed by the Senate. However, no appointee
 3 shall take office until after his or her appointment has been
 4 approved by three members of the Cabinet. The State Board of
 5 Education shall develop rules and procedures for review and
 6 approval of the appointees. Except for the Commissioner of
 7 Education and except for the full-time student member, who
 8 shall serve for 1 year, the terms of office for the members of
 9 the Board of Regents appointed after the effective date of
 10 this act shall be 4 6 years and until their successors are
 11 appointed and qualified, except in case of an appointment to
 12 fill a vacancy, in which case the appointment shall be for the
 13 unexpired term, and except as in this section otherwise
 14 provided. No member shall be selected from any county to
 15 serve with any other member from the same county, except that
 16 not more than two members may be selected from a county which
 17 has a population in excess of 900,000, and with the exceptions
 18 of the student member, who shall be selected at large, and the
 19 Commissioner of Education. The Governor shall fill all
 20 vacancies, subject to the above approval and confirmation,
 21 that may at any time occur on the board.

22 (2) Members may be removed for cause at any time upon
 23 the concurrence of a majority of the members of the State
 24 Board of Education.

25 ~~(3) To create an orderly succession of Regents and the~~
 26 ~~appointment of two Regents each year, one additional Regent~~
 27 ~~shall be appointed in 1991 to serve a 6-year term, and one~~
 28 ~~additional Regent shall be appointed in 1992 to serve a 6-year~~
 29 ~~term. For the four seats with terms ending in 1993, the~~
 30 ~~Governor shall make one appointment for a 3-year term and two~~
 31 ~~appointments for regular 6-year terms. For 1 year, from~~

1 ~~January 1992 to January 1993, there shall be a total of 15~~
2 ~~Regents. All the members of the Board of Regents serving on~~
3 ~~May 3, 1991, shall complete their regular terms, as prescribed~~
4 ~~by the Secretary of State.~~

5 Section 2. Subsections (2) and paragraphs (b) and (e)
6 of subsection (3) of section 240.209, Florida Statutes, are
7 amended to read:

8 240.209 Board of Regents; powers and duties.--

9 (2) The Board of Regents shall appoint a Chancellor to
10 serve at its pleasure who shall perform such duties as are
11 assigned to him or her by the board. The board shall fix the
12 compensation and other conditions of employment for the
13 Chancellor. The board shall also provide for the compensation
14 and other conditions of employment for employees necessary to
15 assist the board and the Chancellor in the performance of
16 their duties. The Chancellor shall be the chief administrative
17 officer of the board and shall be responsible for appointing
18 all employees of the board who shall serve under his or her
19 direction and control. The Chancellor must ~~shall~~ be ~~a person~~
20 qualified by training and experience to understand the
21 problems and needs of the state in the field of postsecondary
22 education. Search committee activities for the selection of
23 the Chancellor up to the point of transmitting a list of
24 nominees to the Board of Regents shall be confidential and
25 exempt from the provisions of ss. 119.07(1) and 286.011.

26 (3) The board shall:

27 (b) Appoint or remove the president of each university
28 in accordance with procedures and rules adopted by the Board
29 of Regents. The board may appoint a search committee to
30 assist in evaluating presidential candidates. Each appointment
31 of a university president shall be conducted in accordance

1 with the provisions of ss. 119.07 and 286.011. The board shall
2 determine the compensation and other conditions of employment
3 for each president. ~~The board shall not provide a tenured~~
4 ~~faculty appointment to any president who is removed through~~
5 ~~termination by the board or resignation tendered at the~~
6 ~~request of the board.~~

7 (e) Establish student fees.

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

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1 2. When the appropriations act requires a new fee
2 schedule, the board shall establish a systemwide standard fee
3 schedule required to produce the total fee revenue established
4 in the appropriations act based on the product of the assigned
5 enrollment and the fee schedule. The board may approve the
6 expenditure of any fee revenues resulting from the product of
7 the fee schedule adopted pursuant to this section and the
8 assigned enrollment.

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

30 4. The board is authorized to collect for financial
31 aid purposes an amount not to exceed 5 percent of the student

1 tuition and matriculation fee per credit hour. The revenues
2 from fees are to remain at each campus and replace existing
3 financial aid fees. Such funds shall be disbursed to students
4 as quickly as possible. The board shall specify specific
5 limits on the percent of the fees collected in a fiscal year
6 which may be carried forward unexpended to the following
7 fiscal year. A minimum of 50 percent of funds from the student
8 financial aid fee shall be used to provide financial aid based
9 on absolute need. A student who has received an award prior to
10 July 1, 1984, shall have his or her eligibility assessed on
11 the same criteria that was used at the time of his or her
12 original award.

13 5. The board may recommend to the Legislature an
14 appropriate systemwide standard matriculation and tuition fee
15 schedule.

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

27 Section 3. Section 240.136, Florida Statutes, is
28 created to read:

29 240.136 Suspension and removal from office of elected
30 student government officials; referendum.--Each state
31 university and community college student government

1 association shall establish a process within 60 days of this
2 act becoming a law to provide for the removal from office of
3 any elected student government official who has been convicted
4 of a violation of criminal law or has been found civilly
5 liable for an act of moral turpitude, after all available
6 rights of judicial appeal have been exercised or waived or
7 have expired. The process shall include a procedure for the
8 immediate suspension of the student government official from
9 elected office following the conviction or civil finding and
10 during any appeal, and shall provide for the temporary
11 successor to the subject office pending completion of any
12 appeal. The process must also include a procedure for
13 registered students to petition for a referendum recommending
14 to the student government association the removal of a student
15 official from elected office. The referendum must be held
16 within 60 days of filing of the petition. The recommendation
17 to remove the subject official from elected office shall be
18 made by majority vote of the students participating in the
19 referendum. The action of a student government association
20 under this section shall be subject to an appeal to the
21 university or community college president or designee.

22 Section 4. This act shall take effect upon becoming a
23 law.