

1                   A bill to be entitled  
2           An act relating to postsecondary education;  
3           amending s. 110.131, F.S.; deleting the  
4           requirement that the Board of Regents comply  
5           with recordkeeping and reporting requirements  
6           for other-personal-services employment;  
7           amending s. 235.055, F.S.; deleting authority  
8           of the Board of Regents to construct facilities  
9           on leased property and enter into certain  
10          leases; amending s. 235.195, F.S.; modifying  
11          provisions relating to joint-use facilities;  
12          amending s. 240.1201, F.S.; classifying  
13          specified Canadian military personnel as  
14          residents for tuition purposes; amending s.  
15          240.147, F.S.; correcting a cross reference;  
16          amending s. 240.205, F.S.; revising the  
17          acquisition and contracting authority of the  
18          Board of Regents; amending s. 240.209, F.S.;  
19          authorizing procedures to administer an  
20          acquisition program; authorizing the Board of  
21          Regents to sell, convey, transfer, exchange,  
22          trade, or purchase real property and related  
23          improvements; providing requirements; amending  
24          s. 240.214, F.S.; revising provisions relating  
25          to the State University System accountability  
26          process; amending s. 240.227, F.S.; revising  
27          the acquisition and contracting authority of  
28          university presidents; authorizing adjustment  
29          of property records and disposal of certain  
30          tangible personal property; amending s.  
31          240.289, F.S.; revising rulemaking for credit

1 card use; amending s. 243.151, F.S.; providing  
2 a procedure under which a university may  
3 construct facilities on leased property;  
4 amending s. 287.012, F.S.; excluding the Board  
5 of Regents and the State University System from  
6 the term "agency" for purposes of state  
7 procurement of commodities and services;  
8 repealing ss. 240.225, 240.247, 240.4988(4),  
9 and 287.017(3), F.S., relating to delegation of  
10 authority by the Department of Management  
11 Services to the State University System,  
12 eradication of salary discrimination, Board of  
13 Regents' rules for the Theodore R. and Vivian  
14 M. Johnson Scholarship Program, and  
15 applicability of purchasing category rules to  
16 the State University System; amending s.  
17 240.2475, F.S., relating to the State  
18 University System equity accountability  
19 program; requiring each state university to  
20 maintain an equity plan to increase the  
21 representation of women and minorities in  
22 faculty and administrative positions; providing  
23 for the submission of reports; requiring the  
24 development of a plan for achievement of  
25 equity; providing for administrative  
26 evaluations; requiring the development of a  
27 budgetary incentive plan; providing for an  
28 appropriation; amending s. 240.3355, F.S.,  
29 relating to the State Community College System  
30 equity accountability program; requiring each  
31 community college to maintain a plan to

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

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

12  
13 Section 1. Paragraph (a) of subsection (6) of section  
14 110.131, Florida Statutes, 1996 Supplement, is amended to  
15 read:

16 110.131 Other-personal-services temporary  
17 employment.--

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

28 Section 2. Section 235.055, Florida Statutes, is  
29 amended to read:

30 235.055 Construction of facilities on leased property;  
31 conditions.--

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

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

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

14           235.195 Cooperative development and use of facilities  
15 by two or more boards.--

16           (2) An educational plant survey must be conducted  
17 within 90 days after submission of the joint resolution and  
18 substantiating data describing the benefits to be obtained,  
19 the programs to be offered, and the estimated cost of the  
20 proposed project. Upon completion of the educational plant  
21 survey, the participating boards may include the recommended  
22 projects in their plan ~~as provided in s. 235.16. Upon approval~~  
23 ~~of the project by the commissioner, up to 25 percent of the~~  
24 ~~total cost of the project must be included in the department's~~  
25 ~~legislative capital outlay budget request as provided in s.~~  
26 ~~235.41 for educational plants.~~ The participating boards must  
27 include in their joint resolution a commitment to finance the  
28 remaining funds necessary to complete the planning,  
29 construction, and equipping of the facility. Funds from the  
30 Public Education Capital Outlay and Debt Service Trust Fund  
31

1 may not be expended on any project unless specifically  
2 authorized by the Legislature.

3 ~~(4) No school board, community college, or state~~  
4 ~~university shall receive funding for more than one approved~~  
5 ~~joint-use facility in any 5-year period effective August 1,~~  
6 ~~1990. All projects previously approved under the provisions of~~  
7 ~~this section shall not be affected. The first year of the~~  
8 ~~5-year period shall be the first year a board receives an~~  
9 ~~appropriation.~~

10 Section 4. Paragraph (j) is added to subsection (10)  
11 of section 240.1201, Florida Statutes, 1996 Supplement, to  
12 read:

13 240.1201 Determination of resident status for tuition  
14 purposes.--Students shall be classified as residents or  
15 nonresidents for the purpose of assessing tuition fees in  
16 public community colleges and universities.

17 (10) The following persons shall be classified as  
18 residents for tuition purposes:

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

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

27 240.147 Powers and duties of the commission.--The  
28 commission shall:

29 (4) Recommend to the State Board of Education  
30 contracts with independent institutions to conduct programs  
31 consistent with the state master plan for postsecondary

1 education. In making recommendations, the commission shall  
 2 consider the annual report submitted by the Board of Regents  
 3 pursuant to s. 240.209(3)(s)(~~r~~). Each program shall be  
 4 reviewed, with the cooperation of the institution, every 5  
 5 years.

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

8 240.205 Board of Regents incorporated.--The Board of  
 9 Regents is hereby created as a body corporate with all the  
 10 powers of a body corporate for all the purposes created by, or  
 11 that may exist under, the provisions of this chapter or laws  
 12 amendatory hereof and shall:

13 (6) Acquire real and personal property and contract  
 14 for the sale and disposal of same and approve and execute  
 15 contracts for the acquisition of commodities, goods,  
 16 equipment, contractual or services, including educational  
 17 ~~services for~~ leases of real and personal property, and for  
 18 ~~construction, in accordance with chapter 287, as applicable.~~  
 19 The acquisition may include purchase by installment or  
 20 lease-purchase. Such contracts may provide for payment of  
 21 interest on the unpaid portion of the purchase price. The  
 22 board may also acquire the same commodities, goods, equipment,  
 23 <U>contractual services, leases, and construction, ~~as designated~~  
 24 ~~for the board,~~ for use by a university when the contractual  
 25 obligation exceeds \$1 million ~~\$500,000~~. Title to all real  
 26 property, however acquired, shall be vested in the Board of  
 27 Trustees of the Internal Improvement Trust Fund and shall be  
 28 transferred and conveyed by it. Notwithstanding any other  
 29 provisions of this subsection, the Board of Regents shall  
 30 comply with the provisions of s. 287.055 for the procurement  
 31 of professional services as defined therein.

1           Section 7. Paragraphs (e) and (r) of subsection (3) of  
2 section 240.209, Florida Statutes, 1996 Supplement, are  
3 amended, and subsection (9) is added to said section, to read:

4           240.209 Board of Regents; powers and duties.--

5           (3) The board shall:

6           (e) Establish student fees.

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

30           2. When the appropriations act requires a new fee  
31 schedule, the board shall establish a systemwide standard fee

1 schedule required to produce the total fee revenue established  
 2 in the appropriations act based on the product of the assigned  
 3 enrollment and the fee schedule. The board may approve the  
 4 expenditure of any fee revenues resulting from the product of  
 5 the fee schedule adopted pursuant to this section and the  
 6 assigned enrollment.

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

28           4. The board is authorized to collect for financial  
 29 aid purposes an amount not to exceed 5 percent of the student  
 30 tuition and matriculation fee per credit hour. The revenues  
 31 from fees are to remain at each campus and replace existing



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

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

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

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

30           (9) Notwithstanding the provisions of s. 253.025, the  
 31 Board of Regents may, with the consent of the Board of

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

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

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

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

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

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

31

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

3           ~~(c) Pass rates on professional licensure examinations,~~  
4 ~~by institution;~~

5           ~~(d) Institutional quality as assessed by followup,~~  
6 ~~such as analyses of employment information on former students,~~  
7 ~~national rankings, and surveys of alumni, parents, clients,~~  
8 ~~and employers;~~

9           ~~(e) Length of time and number of academic credits~~  
10 ~~required to complete an academic degree, by institution and by~~  
11 ~~degree;~~

12           ~~(f) Enrollment, progression, retention, and graduation~~  
13 ~~rates by race and gender;~~

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

15           ~~(h) An analysis of administrative and support~~  
16 ~~functions;~~

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

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

24           (1)~~(2)~~ By December 31 of each year, the Board of  
25 Regents shall submit an ~~the~~ annual accountability report  
26 providing information on the implementation of performance  
27 standards, actions taken to improve university achievement of  
28 performance goals, the achievement of performance goals during  
29 the prior year, and initiatives to be undertaken during the  
30 next year. The accountability reports shall be designed in

31

1 consultation with the Governor's Office, the Office of the  
2 Auditor General, and the Legislature.

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

6 Section 9. Subsections (12) and (13) of section  
7 240.227, Florida Statutes, are amended to read:

8 240.227 University presidents; powers and duties.--The  
9 president is the chief administrative officer of the  
10 university and is responsible for the operation and  
11 administration of the university. Each university president  
12 shall:

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

28 (13) Manage the property and financial resources of  
29 the university, including, but not limited to, having the  
30 authority to adjust property records and dispose of  
31 state-owned tangible personal property in the university's

1 custody in accordance with procedures established by the Board  
2 of Regents. Notwithstanding the provisions of s. 273.055(5),  
3 all moneys received from the disposition of state-owned  
4 tangible personal property shall be retained by the university  
5 and disbursed for the acquisition of tangible personal  
6 property and for all necessary operating expenditures. The  
7 university shall maintain records of the accounts into which  
8 such moneys are deposited pursuant to s. 240.225.

9 Section 10. Section 240.289, Florida Statutes, is  
10 amended to read:

11 240.289 Credit and charge card use in university  
12 system; authority.--The several universities in the State  
13 University System are authorized, notwithstanding the  
14 provisions of ~~pursuant to~~ s. 215.322, to enter into agreements  
15 and accept credit and charge card payments as compensation for  
16 goods, services, tuition, and fees in accordance with rules  
17 established by the Board of Regents. Such rules shall allow  
18 the universities to accept credit and charge card payment for  
19 tuition, nonresident tuition, and fees without collecting a  
20 service fee or surcharge.

21 Section 11. Subsection (4) of section 243.151, Florida  
22 Statutes, is renumbered as subsection (5), subsection (3) is  
23 renumbered as subsection (4) and amended, and a new subsection  
24 (3) is added to said section, to read:

25 243.151 Lease agreements; land, facilities.--

26 (3) Upon approval by the Board of Regents, a  
27 university may:

28 (a) Construct educational facilities on land that is  
29 owned by a direct-support organization, as defined in s.  
30 240.299, or a governmental agency at the federal, state,  
31 county, or municipal level, if the university has acquired a

1 long-term lease for the use of the land. The lease must be  
2 for at least 40 years or the expected time the facilities to  
3 be constructed on the land are expected to remain in a  
4 condition acceptable for use, whichever is longer.

5 (b) Acquire a short-term lease from one of the  
6 entities listed in paragraph (a) for the use of land, if  
7 adequate temporary or relocatable facilities are available on  
8 the land.

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

11  
12 If sufficient land is not available from any of the entities  
13 listed in paragraph (a), a university may acquire a short-term  
14 lease from a private landowner or developer.

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

30 Section 12. Subsection (1) of section 287.012, Florida  
31 Statutes, 1996 Supplement, 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.

7 "Agency" does not include the Board of Regents or the State  
8 University System.

9           Section 13. Section 240.247, subsection (4) of section  
10 240.4988, and subsection (3) of section 287.017, Florida  
11 Statutes, and section 240.225, Florida Statutes, as amended by  
12 chapter 94-226, Laws of Florida, are hereby repealed.

13           Section 14. Section 240.2475, Florida Statutes, is  
14 amended to read:

15           240.2475 State University System employment equity  
16 accountability program.--

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

24           (a) "Appropriate representation" means category  
25 employment representation that at least meets comparable  
26 national standards for at least two consecutive reporting  
27 periods.

28           (b) "Category" means major executive, administrative,  
29 and professional grouping, including senior-level  
30 administrative and professional positions, senior academic  
31 administrative-level positions, and tenure-track faculty for



1 ~~increasing the number of women and minorities in ranked~~  
2 ~~faculty positions, and for increasing the number of women and~~  
3 ~~minorities granted tenure. The plan must include specific~~  
4 ~~measurable goals and objectives, specific strategies for~~  
5 ~~accomplishing these goals and objectives, a time period for~~  
6 ~~accomplishing these goals and objectives, and comparative~~  
7 ~~national standards. The plan shall be submitted to the~~  
8 ~~Legislature on or before September 1, 1992.~~

9 (2)(a) By April 1 ~~October 31~~ of each year, each state  
10 university president shall submit an annual equity  
11 accountability report to the Chancellor and the Board of  
12 Regents. The equity report shall consist of a status update,  
13 an analysis, and a status report of selected personnel  
14 transactions. As used in this paragraph, the term, "selected  
15 personnel transactions" means new hires in, promotions into,  
16 tenure actions in, and terminations from a category. Each  
17 university shall provide the job classification title, gender,  
18 race, and appointment status of selected personnel  
19 transactions. The status update shall assess  
20 underrepresentation in each category. The status report shall  
21 consist of current category employment representation,  
22 comparable national standards, an evaluation of  
23 representation, and annual goals to address  
24 underrepresentation. ~~which shows the number of administrative~~  
25 ~~positions in the faculty and in the administrative and~~  
26 ~~professional pay plans which were filled in the previous~~  
27 ~~fiscal year. Administrative positions include faculty~~  
28 ~~positions that, in whole or in part, are defined as academic~~  
29 ~~administration under standard practice CM 87-17.1 and~~  
30 ~~positions in the administrative and professional pay plans~~  
31 ~~that are defined as administrative positions under the Board~~

1 ~~of Regents' classification of occupational groupings. The~~  
2 ~~report must include the following information pertaining to~~  
3 ~~the employees hired in those positions:~~

- 4 ~~1. Job classification title;~~
- 5 ~~2. Gender;~~
- 6 ~~3. Ethnicity;~~
- 7 ~~4. Appointment status pursuant to chapter 6C-5.105,~~  
8 ~~Florida Administrative Code;~~
- 9 ~~5. The salary at which the individual was hired;~~
- 10 ~~6. Comparative information including, but not limited~~  
11 ~~to, composite information regarding the total number of~~  
12 ~~positions within the particular job title classification for~~  
13 ~~the university by race, gender, and the average salary or~~  
14 ~~salary range, where applicable, compared to the number of new~~  
15 ~~hires;~~
- 16 ~~7. Guidelines for ensuring a gender-balanced and~~  
17 ~~ethnically balanced selection committee for each vacancy;~~
- 18 ~~8. Steps taken to develop a diverse pool of candidates~~  
19 ~~for each vacancy; and~~
- 20 ~~9. An assessment of the university's accomplishment of~~  
21 ~~annual goals and of long-range goals for hiring and promoting~~  
22 ~~women and minorities in senior-level administrative positions.~~

23 (b) After 1 year of implementation of a plan, and  
24 annually thereafter, for those categories in which prior year  
25 goals were not achieved, each university shall provide, in its  
26 annual equity report, a narrative explanation and a plan for  
27 achievement of equity. The plan shall include guidelines for  
28 ensuring balanced membership on selection committees and  
29 specific steps for developing a diverse pool of candidates for  
30 each vacancy in the category. The plan shall also include a  
31 systematic process by which those responsible for hiring are

1 provided information and are evaluated regarding their  
2 responsibilities pursuant to this section. ~~Each university's~~  
3 ~~equity accountability report must also include the following~~  
4 ~~information pertaining to candidates formally applying for~~  
5 ~~tenure:~~

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

15 (c) The equity report shall include an analysis and  
16 assessment of the university's accomplishment of annual goals,  
17 as specified in the university's affirmative action plan, for  
18 increasing the representation of women and minorities in  
19 tenure-earning and senior-level administrative positions. ~~The~~  
20 ~~report must also include:~~

- 21 1. ~~The requirements for achieving tenure;~~
- 22 2. ~~The gender and ethnic composition of the committees~~  
23 ~~that review tenure recommendations at the department, college,~~  
24 ~~and university levels;~~
- 25 3. ~~Guidelines for ensuring the equitable distribution~~  
26 ~~of assignments that would enhance tenure opportunities for~~  
27 ~~women and minority faculty; and~~
- 28 4. ~~Guidelines for obtaining feedback on the annual~~  
29 ~~progress towards achievement of tenure by women and~~  
30 ~~minorities.~~

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

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

21           (b) ~~Beginning January 1994,~~The Chancellor and the  
 22 Board of Regents shall annually evaluate the performance of  
 23 the university presidents in achieving the annual equity ~~and~~  
 24 ~~long-term~~ goals and objectives. A summary of the results of  
 25 such evaluations shall be included as part of the annual  
 26 equity progress report submitted by the Board of Regents to  
 27 the Legislature and the State Board of Education.

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

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

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

1           (7) Subject to available funding, the Legislature  
2 shall provide an annual appropriation to the Board of Regents  
3 to be allocated to the universities to further enhance equity  
4 initiatives and related priorities that support the mission of  
5 departments, divisions, or colleges in recognition of the  
6 attainment of equity goals and objectives.

7           Section 15. Section 240.3355, Florida Statutes, is  
8 amended to read:

9           240.3355 Community College System employment equity  
10 accountability program.--

11           (1) ~~No later than May 1, 1993,~~Each community college  
12 shall include in its annual equity update plan must include a  
13 plan for increasing the representation number of women and  
14 minorities in senior-level administrative positions and, for  
15 increasing the number of women and minorities in full-time  
16 ranked faculty positions, and for increasing the  
17 representation number of women and minorities who have  
18 attained continuing-contract status. Positions shall be  
19 defined in the personnel data element directory of the  
20 Division of Community Colleges.The plan must include specific  
21 measurable goals and objectives, specific strategies and  
22 timelines for accomplishing these goals and objectives, and  
23 comparable national standards as provided by the Division of  
24 Community Colleges a time period for accomplishing these goals  
25 and objectives. The goals and objectives shall be based on  
26 meeting or exceeding comparable national standards and shall  
27 be reviewed and recommended by the State Board of Community  
28 Colleges as appropriate. Such plans shall be maintained until  
29 appropriate representation has been achieved and maintained  
30 for at least 3 consecutive reporting years.

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

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

- 18           1. Job classification title.†
- 19           2. Gender.†
- 20           3. Ethnicity.†
- 21           4. Appointment status.†
- 22           5. Salary information. At each community college,  
 23 salary information shall also include ~~including~~ the salary  
 24 ranges in which new hires were employed compared to the salary  
 25 ranges for employees with comparable experience and  
 26 qualifications ~~at which the individual was hired compared to~~  
 27 ~~the salary range for the respective position and to other~~  
 28 ~~employees in the same job title classification;†~~
- 29           6. Other comparative information including, but not  
 30 limited to, composite information regarding the total number  
 31 of positions within the particular job title classification

1 for the community college by race, gender, and salary range  
2 compared to the number of new hires.†

3       7. A statement certifying diversity and balance in the  
4 gender and ethnic composition of the selection committee for  
5 each vacancy, including a brief description of guidelines used  
6 for ensuring balanced and diverse membership on selection and  
7 review committees.†

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

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

17       (d)(c) Each community college's employment equity  
18 accountability plan report must also include:

19       1. The requirements for receiving a continuing  
20 contract.†

21       2. A brief description of the process used to grant  
22 ~~The gender and ethnic composition of the committees that~~  
23 ~~review continuing-contract status. recommendations;†~~

24       3. A brief description of the process used to annually  
25 apprise each eligible faculty member of progress toward  
26 attainment of continuing-contract status.~~The enhancement of~~  
27 ~~continuing-contract opportunities for women and minority~~  
28 ~~faculty; and~~

29       4. ~~Written documentation of feedback on the annual~~  
30 ~~progress towards achievement of continuing-contract status by~~  
31 ~~women and minorities.~~



1           (3) Community college presidents and the heads of each  
2 major administrative division shall be evaluated annually on  
3 the progress made toward meeting the goals and objectives of  
4 the community college's employment accountability equity  
5 update plan.

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

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

25           (4)~~(c)~~ The State Board of Community Colleges shall  
26 submit an annual equity progress report to the President of  
27 the Senate, the Speaker of the House of Representatives,  
28 ~~Legislature~~ and the State Board of Education on or before  
29 January ~~December~~ 1 of each year.

30           (5) Each community college shall develop a budgetary  
31 incentive plan to support and ensure attainment of the goals

1 developed pursuant to this section. The plan shall specify,  
2 at a minimum, how resources shall be allocated to support the  
3 achievement of goals and the implementation of strategies in a  
4 timely manner. After prior review and approval by the  
5 community college president and the State Board of Community  
6 Colleges, the plan shall be submitted as part of the annual  
7 employment accountability plan submitted by each community  
8 college to the State Board of Community Colleges.

9 (6)(4) Subject to available funding, the Legislature  
10 shall provide an annual appropriation to the State Board of  
11 Community Colleges to be allocated to community college  
12 presidents, faculty, and administrative personnel to further  
13 enhance equity initiatives and related priorities that support  
14 the mission of colleges and departments ~~the department~~  
15 ~~managers~~ in recognition of the attainment of the equity goals  
16 and objectives.

17 Section 16. This act shall take effect July 1, 1997.  
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