

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

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

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

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

11
12 Section 1. Paragraph (a) of subsection (6) of section
13 110.131, Florida Statutes, is amended to read:

14 110.131 Other-personal-services temporary
15 employment.--

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

26 Section 2. Section 235.055, Florida Statutes, is
27 amended to read:

28 235.055 Construction of facilities on leased property;
29 conditions.--

30 (1) A board may ~~Boards, including the Board of~~
31 ~~Regents, are authorized to~~ construct or place educational

1 facilities and ancillary facilities on land which is owned by
2 any person after the board has acquired from the owner of the
3 land a long-term lease for the use of this land for a period
4 of not less than 40 years or the life expectancy of the
5 permanent facilities constructed thereon, whichever is longer.

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

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

12 235.195 Cooperative development and use of facilities
13 by two or more boards.--

14 (2) An educational plant survey must be conducted
15 within 90 days after submission of the joint resolution and
16 substantiating data describing the benefits to be obtained,
17 the programs to be offered, and the estimated cost of the
18 proposed project. Upon completion of the educational plant
19 survey, the participating boards may include the recommended
20 projects in their plan ~~as provided in s. 235.16. Upon approval~~
21 ~~of the project by the commissioner, up to 25 percent of the~~
22 ~~total cost of the project must be included in the department's~~
23 ~~legislative capital outlay budget request as provided in s.~~
24 ~~235.41 for educational plants.~~ The participating boards must
25 include in their joint resolution a commitment to finance the
26 remaining funds necessary to complete the planning,
27 construction, and equipping of the facility. Funds from the
28 Public Education Capital Outlay and Debt Service Trust Fund
29 may not be expended on any project unless specifically
30 authorized by the Legislature.

31

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

8 Section 4. Paragraph (j) is added to subsection (10)
9 of section 240.1201, Florida Statutes, to read:

10 240.1201 Determination of resident status for tuition
11 purposes.--Students shall be classified as residents or
12 nonresidents for the purpose of assessing tuition fees in
13 public community colleges and universities.

14 (10) The following persons shall be classified as
15 residents for tuition purposes:

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

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

24 240.147 Powers and duties of the commission.--The
25 commission shall:

26 (4) Recommend to the State Board of Education
27 contracts with independent institutions to conduct programs
28 consistent with the state master plan for postsecondary
29 education. In making recommendations, the commission shall
30 consider the annual report submitted by the Board of Regents
31 pursuant to s. 240.209(3)(s)~~(r)~~. Each program shall be

1 reviewed, with the cooperation of the institution, every 5
2 years.

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

5 240.205 Board of Regents incorporated.--The Board of
6 Regents is hereby created as a body corporate with all the
7 powers of a body corporate for all the purposes created by, or
8 that may exist under, the provisions of this chapter or laws
9 amendatory hereof and shall:

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

29 Section 7. Paragraphs (e) and (r) of subsection (3) of
30 section 240.209, Florida Statutes, are amended, and subsection
31 (9) is added to said section, to read:

1 240.209 Board of Regents; powers and duties.--

2 (3) The board shall:

3 (e) Establish student fees.

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

27 2. When the appropriations act requires a new fee
28 schedule, the board shall establish a systemwide standard fee
29 schedule required to produce the total fee revenue established
30 in the appropriations act based on the product of the assigned
31 enrollment and the fee schedule. The board may approve the

1 expenditure of any fee revenues resulting from the product of
2 the fee schedule adopted pursuant to this section and the
3 assigned enrollment.

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

25 4. The board is authorized to collect for financial
26 aid purposes an amount not to exceed 5 percent of the student
27 tuition and matriculation fee per credit hour. The revenues
28 from fees are to remain at each campus and replace existing
29 financial aid fees. Such funds shall be disbursed to students
30 as quickly as possible. The board shall specify specific
31 limits on the percent of the fees collected in a fiscal year

1 which may be carried forward unexpended to the following
2 fiscal year. A minimum of 50 percent of funds from the student
3 financial aid fee shall be used to provide financial aid based
4 on absolute need. A student who has received an award prior to
5 July 1, 1984, shall have his or her eligibility assessed on
6 the same criteria that was used at the time of his or her
7 original award.

8 5. The board may recommend to the Legislature an
9 appropriate systemwide standard matriculation and tuition fee
10 schedule.

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

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

27 (9) Notwithstanding the provisions of s. 253.025, the
28 Board of Regents may, with the consent of the Board of
29 Trustees of the Internal Improvement Trust Fund, sell, convey,
30 transfer, exchange, trade, or purchase real property and
31 related improvements necessary and desirable to serve the

1 needs and purposes of a university in the State University
2 System.

3 (a) The board may secure appraisals and surveys. The
4 board shall comply with the rules of the Board of Trustees of
5 the Internal Improvement Trust Fund in securing appraisals.
6 Whenever the board finds it necessary for 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 maintained by the
10 Division of State Lands in the Department of Environmental
11 Protection.

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

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

28 Section 8. Section 240.214, Florida Statutes, is
29 amended to read:

30 240.214 State University System accountability
31 process.--It is the intent of the Legislature that an

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

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

26 ~~(a) Total student credit hours;~~
 27 ~~(b) Total number of contact hours of instruction~~
 28 ~~produced by faculty, by institution, rank, and course level;~~
 29 ~~(c) Pass rates on professional licensure examinations,~~
 30 ~~by institution;~~

31

1 ~~(d) Institutional quality as assessed by followup,~~
2 ~~such as analyses of employment information on former students,~~
3 ~~national rankings, and surveys of alumni, parents, clients,~~
4 ~~and employers;~~

5 ~~(e) Length of time and number of academic credits~~
6 ~~required to complete an academic degree, by institution and by~~
7 ~~degree;~~

8 ~~(f) Enrollment, progression, retention, and graduation~~
9 ~~rates by race and gender;~~

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

11 ~~(h) An analysis of administrative and support~~
12 ~~functions;~~

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

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

20 (1)~~(2)~~ By December 31 of each year, the Board of
21 Regents shall submit an ~~the~~ annual accountability report
22 providing information on the implementation of performance
23 standards, actions taken to improve university achievement of
24 performance goals, the achievement of performance goals during
25 the prior year, and initiatives to be undertaken during the
26 next year. The accountability reports shall be designed in
27 consultation with the Governor's Office, the Office of the
28 Auditor General, and the Legislature.

29 (2)~~(3)~~ The Board of Regents shall recommend in the
30 annual accountability report any appropriate modifications to
31 this section.

1 Section 9. Subsections (12) and (13) of section
2 240.227, Florida Statutes, are amended to read:

3 240.227 University presidents; powers and duties.--The
4 president is the chief administrative officer of the
5 university and is responsible for the operation and
6 administration of the university. Each university president
7 shall:

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

23 (13) Manage the property and financial resources of
24 the university, including, but not limited to, having the
25 authority to adjust property records and dispose of
26 state-owned tangible personal property in the university's
27 custody in accordance with procedures established by the Board
28 of Regents. Notwithstanding the provisions of s. 273.055(5),
29 all moneys received from the disposition of state-owned
30 tangible personal property shall be retained by the university
31 and disbursed for the acquisition of tangible personal

1 property and for all necessary operating expenditures. The
2 university shall maintain records of the accounts into which
3 such moneys are deposited pursuant to s. 240.225.

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

6 240.289 Credit card, charge card, and debit card use
7 in university system; authority.--The several universities in
8 the State University System are authorized, notwithstanding
9 the provisions of ~~pursuant to~~ s. 215.322, to enter into
10 agreements and accept credit card, charge card, or debit card
11 payments as compensation for goods, services, tuition, and
12 fees in accordance with rules established by the Board of
13 Regents. Such rules shall allow the universities to accept
14 credit card, charge card, or debit card payment for tuition,
15 nonresident tuition, and fees without collecting a service fee
16 or surcharge.

17 Section 11. Subsection (4) of section 243.151, Florida
18 Statutes, is renumbered as subsection (5), subsection (3) is
19 renumbered as subsection (4) and amended, and a new subsection
20 (3) is added to said section, to read:

21 243.151 Lease agreements; land, facilities.--

22 (3) Upon approval by the Board of Regents, a
23 university may:

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

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

26 Section 12. Subsection (1) of section 287.012, Florida
27 Statutes, is amended to read:

28 287.012 Definitions.--The following definitions shall
29 apply in this part:

30 (1) "Agency" means any of the various state officers,
31 departments, boards, commissions, divisions, bureaus, and

1 councils and any other unit of organization, however
2 designated, of the executive branch of state government.
3 "Agency" does not include the Board of Regents or the State
4 University System.

5 Section 13. Section 240.247, subsection (4) of section
6 240.4988, and subsection (3) of section 287.017, Florida
7 Statutes, and section 240.225, Florida Statutes, as amended by
8 chapter 94-226, Laws of Florida, are hereby repealed.

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

11 240.2475 State University System employment equity
12 accountability program.--

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

20 (a) "Appropriate representation" means category
21 employment representation that at least meets comparable
22 national standards for at least two consecutive reporting
23 periods.

24 (b) "Category" means major executive, administrative,
25 and professional grouping, including senior-level
26 administrative and professional positions, senior academic
27 administrative-level positions, and tenure-track faculty for
28 ~~increasing the number of women and minorities in ranked~~
29 ~~faculty positions, and for increasing the number of women and~~
30 ~~minorities granted tenure. The plan must include specific~~
31 ~~measurable goals and objectives, specific strategies for~~

1 ~~accomplishing these goals and objectives, a time period for~~
 2 ~~accomplishing these goals and objectives, and comparative~~
 3 ~~national standards. The plan shall be submitted to the~~
 4 ~~Legislature on or before September 1, 1992.~~

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

- 31 1. ~~Job classification title;~~

- 1 2. ~~Gender;~~
- 2 3. ~~Ethnicity;~~
- 3 4. ~~Appointment status pursuant to chapter 6C-5.105,~~
- 4 ~~Florida Administrative Code;~~
- 5 5. ~~The salary at which the individual was hired;~~
- 6 6. ~~Comparative information including, but not limited~~
- 7 ~~to, composite information regarding the total number of~~
- 8 ~~positions within the particular job title classification for~~
- 9 ~~the university by race, gender, and the average salary or~~
- 10 ~~salary range, where applicable, compared to the number of new~~
- 11 ~~hires;~~
- 12 7. ~~Guidelines for ensuring a gender-balanced and~~
- 13 ~~ethnically balanced selection committee for each vacancy;~~
- 14 8. ~~Steps taken to develop a diverse pool of candidates~~
- 15 ~~for each vacancy; and~~
- 16 9. ~~An assessment of the university's accomplishment of~~
- 17 ~~annual goals and of long-range goals for hiring and promoting~~
- 18 ~~women and minorities in senior-level administrative positions.~~
- 19 (b) After 1 year of implementation of a plan, and
- 20 annually thereafter, for those categories in which prior year
- 21 goals were not achieved, each university shall provide, in its
- 22 annual equity report, a narrative explanation and a plan for
- 23 achievement of equity. The plan shall include guidelines for
- 24 ensuring balanced membership on selection committees and
- 25 specific steps for developing a diverse pool of candidates for
- 26 each vacancy in the category. The plan shall also include a
- 27 systematic process by which those responsible for hiring are
- 28 provided information and are evaluated regarding their
- 29 responsibilities pursuant to this section. ~~Each university's~~
- 30 ~~equity accountability report must also include the following~~
- 31

1 ~~information pertaining to candidates formally applying for~~
2 ~~tenure;~~

3 ~~1. Rank;~~

4 ~~2. Gender;~~

5 ~~3. Ethnicity;~~

6 ~~4. The salary at which the individual was hired; and~~

7 ~~5. Comparative information including, but not limited~~
8 ~~to, composite information regarding the total number of~~
9 ~~positions within the particular classification for the~~
10 ~~university by race, gender, and the average salary or salary~~
11 ~~range, where applicable, compared to the number of new hires.~~

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

18 ~~1. The requirements for achieving tenure;~~

19 ~~2. The gender and ethnic composition of the committees~~
20 ~~that review tenure recommendations at the department, college,~~
21 ~~and university levels;~~

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

25 ~~4. Guidelines for obtaining feedback on the annual~~
26 ~~progress towards achievement of tenure by women and~~
27 ~~minorities.~~

28 (d) The equity report shall also include the current
29 rank, race, and gender of faculty eligible for tenure in a
30 category. In addition, each university shall report
31 representation of the pool of tenure-eligible faculty at each

1 stage of the transaction process, and provide certification
 2 that each eligible faculty member was apprised annually of
 3 progress toward tenure. Each university shall also report on
 4 the dissemination of standards for achieving tenure; racial
 5 and gender composition of committees reviewing recommendations
 6 at each transaction level; and dissemination of guidelines for
 7 equitable distribution of assignments.

8 (3)(a) A factor in the evaluation of university
 9 presidents, vice presidents, deans, and chairpersons shall be
 10 their annual progress in achieving the annual and long-range
 11 hiring and promotional goals and objectives, as specified in
 12 the university's equity plan and affirmative action plan.

13 Annual budget allocations for positions and funding shall be
 14 based on this evaluation. A summary of such evaluations ~~Such~~
 15 ~~evaluation~~ shall be submitted to the Chancellor and the Board
 16 of Regents as part of the university's annual equity report.

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

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

28 (5) Each university shall develop a budgetary
 29 incentive plan to support and ensure attainment of the goals
 30 developed pursuant to this section. The plan shall specify, at
 31 a minimum, how resources shall be allocated to support the

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

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

28 (7) Subject to available funding, the Legislature
29 shall provide an annual appropriation to the Board of Regents
30 to be allocated to the universities to further enhance equity
31 initiatives and related priorities that support the mission of

1 departments, divisions, or colleges in recognition of the
2 attainment of equity goals and objectives.

3 Section 15. Section 240.3355, Florida Statutes, is
4 amended to read:

5 240.3355 Community College System employment equity
6 accountability program.--

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

27 (2)(a) On or before May 1 of each year, each community
28 college president shall submit an the annual employment
29 accountability plan equity update to the Executive Director of
30 the State Board of Community Colleges. The accountability
31 plan equity update must show faculty and administrator

1 employment data according to requirements specified on the
2 federal Equal Employment Opportunity (EEO-6) report the number
3 ~~of deans, associates, assistant deans, vice presidents,~~
4 ~~associate and assistant presidents, provosts, legal counsel,~~
5 ~~and similar administrative positions which were filled in the~~
6 ~~previous 12-month period. Administrative positions include~~
7 ~~faculty positions that, in whole or in part, are defined as~~
8 ~~academic administration by rule and positions that are defined~~
9 ~~as administrative positions under the Community College~~
10 ~~System's classification of occupational groupings.~~

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

- 13 1. Job classification title.†
- 14 2. Gender.†
- 15 3. Ethnicity.†
- 16 4. Appointment status.†
- 17 5. Salary information. At each community college,
18 salary information shall also include ~~including~~ the salary
19 ranges in which new hires were employed compared to the salary
20 ranges for employees with comparable experience and
21 qualifications.~~at which the individual was hired compared to~~
22 ~~the salary range for the respective position and to other~~
23 ~~employees in the same job title classification.†~~
- 24 6. Other comparative information including, but not
25 limited to, composite information regarding the total number
26 of positions within the particular job title classification
27 for the community college by race, gender, and salary range
28 compared to the number of new hires.†
- 29 7. A statement certifying diversity and balance in the
30 gender and ethnic composition of the selection committee for
31 each vacancy, including a brief description of guidelines used

1 for ensuring balanced and diverse membership on selection and
2 review committees.†

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

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

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

14 1. The requirements for receiving a continuing
15 contract.†

16 2. A brief description of the process used to grant
17 ~~The gender and ethnic composition of the committees that~~
18 ~~review continuing-contract status recommendations;~~

19 3. A brief description of the process used to annually
20 apprise each eligible faculty member of progress toward
21 attainment of continuing-contract status.~~The enhancement of~~
22 ~~continuing-contract opportunities for women and minority~~
23 ~~faculty; and~~

24 4. ~~Written documentation of feedback on the annual~~
25 ~~progress towards achievement of continuing-contract status by~~
26 ~~women and minorities.~~

27 (3) Community college presidents and the heads of each
28 major administrative division shall be evaluated annually on
29 the progress made toward meeting the goals and objectives of
30 the community college's employment accountability equity
31 update plan.

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

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

20 ~~(4)(c)~~ The State Board of Community Colleges shall
 21 submit an annual equity progress report to the President of
 22 the Senate, the Speaker of the House of Representatives,
 23 ~~Legislature~~ and the State Board of Education on or before
 24 January ~~December~~ 1 of each year.

25 (5) Each community college shall develop a budgetary
 26 incentive plan to support and ensure attainment of the goals
 27 developed pursuant to this section. The plan shall specify,
 28 at a minimum, how resources shall be allocated to support the
 29 achievement of goals and the implementation of strategies in a
 30 timely manner. After prior review and approval by the
 31 community college president and the State Board of Community

1 Colleges, the plan shall be submitted as part of the annual
2 employment accountability plan submitted by each community
3 college to the State Board of Community Colleges.

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

12 Section 16. This act shall take effect July 1 of the
13 year in which enacted.