

By the Committee on Education and Senators Grant, Latvala, Clary, Holzendorf, Meadows, Gutman, Hargrett, Ostalkiewicz, Williams, Dudley, Horne, Klein, Forman, Casas, Bronson, Thomas, Rossin, Harris, Cowin, Brown-Waite, Silver, Lee, (Additional Sponsors on Last Printed Page)

304-1638-98

1                                   A bill to be entitled  
 2           An act relating to the State University System;  
 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           authorizing universities to increase tuition  
 8           and matriculation fees within certain limits;  
 9           deleting a restriction on the faculty  
 10          appointment of former university presidents;  
 11          providing an effective date.

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

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

17           240.207 Board of Regents; appointment of members;  
 18 qualifications and terms of office.--

19           (1) The Board of Regents shall consist of the  
 20 Commissioner of Education and 13 ~~12~~ citizens of this state who  
 21 shall be selected from the state at large, representative of  
 22 the geographical areas of the state; who shall have been  
 23 residents and citizens thereof for a period of at least 10  
 24 years prior to their appointment (one of whom shall be a  
 25 member registered as a full-time student in the State  
 26 University System and who shall have been a resident of this  
 27 state for at least 5 years prior to appointment in lieu of the  
 28 10 years required of other members); and who shall be  
 29 appointed by the Governor, approved by three members of the  
 30 Cabinet, and confirmed by the Senate. However, no appointee  
 31 shall take office until after his or her appointment has been

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

19 (2) Members may be removed for cause at any time upon  
20 the concurrence of a majority of the members of the State  
21 Board of Education.

22 ~~(3) To create an orderly succession of Regents and the~~  
23 ~~appointment of two Regents each year, one additional Regent~~  
24 ~~shall be appointed in 1991 to serve a 6-year term, and one~~  
25 ~~additional Regent shall be appointed in 1992 to serve a 6-year~~  
26 ~~term. For the four seats with terms ending in 1993, the~~  
27 ~~Governor shall make one appointment for a 3-year term and two~~  
28 ~~appointments for regular 6-year terms. For 1 year, from~~  
29 ~~January 1992 to January 1993, there shall be a total of 15~~  
30 ~~Regents. All the members of the Board of Regents serving on~~

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1 ~~May 3, 1991, shall complete their regular terms, as prescribed~~  
2 ~~by the Secretary of State.~~

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

6 240.209 Board of Regents; powers and duties.--

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

25 (3) The board shall:

26 (b) Appoint or remove the president of each university  
27 in accordance with procedures and rules adopted by the Board  
28 of Regents. The board may appoint a search committee to  
29 assist in evaluating presidential candidates. Each appointment  
30 of a university president shall be conducted in accordance  
31 with the provisions of ss. 119.07 and 286.011. The board shall

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

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           Section 3. This act shall take effect upon becoming a  
26 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 758

Terms of office for members of the Board of Regents appointed after the effective date of the bill will be for 4 years rather than 2 years as specified in the original bill.

Section 240.207(1), F.S., is amended to clarify the fact that there are 13 appointed, citizen members of the Board of Regents, including the member who is a full-time student in the State University System, and the Commissioner of Education who serves by virtue of his or her office.

All the activities of the search committee for the selection of a new Chancellor for the State University System are made subject to the provisions of ss. 119.07(1) and 286.011, F.S., the laws regarding public records and public meetings.

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ADDITIONAL SPONSORS

Campbell, Turner, Sullivan, Childers, Burt, Myers, Crist, Scott, Dyer and Diaz-Balart