

Bill No. CS/CS/HB 1567, 2nd Eng.

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Horne moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	Delete everything after the enacting clause		
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16	and insert:		
17	Section 1. Section 240.209, Florida Statutes, is		
18	amended to read:		
19	240.209 Board of Regents; powers and duties.--		
20	(1) The Board of Regents is <u>authorized to adopt</u>		
21	primarily responsible for adopting systemwide rules pursuant		
22	to ss. 120.536(1) and 120.54 to implement provisions of law		
23	conferring duties upon it; <u>to plan</u> planning for the future		
24	needs of the State University System; <u>to plan</u> planning the		
25	programmatic, financial, and physical development of the		
26	system; <u>to review</u> reviewing and <u>evaluate</u> evaluating the		
27	instructional, research, and service programs at the		
28	universities; <u>to coordinate</u> coordinating program development		
29	among the universities; and <u>to monitor</u> monitoring the fiscal		
30	performance of the universities.		
31	(2) The Board of Regents shall appoint a Chancellor to		

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

17 (3) The board shall:

18 (a) Develop a plan for the future expansion of the
19 State University System and recommend the establishment of new
20 universities consistent with the criteria adopted by the State
21 Board of Education pursuant to s. 229.053. The plan must
22 include a procedure for the periodic assessment of the need
23 for a new state university and specific standards for the
24 minimum acreage, building space, staffing, and programmatic
25 mix of state universities.

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

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1 determine the compensation and other conditions of employment
2 for each president.

3 (c) Approve new degree programs for all state
4 universities. In so doing, the board shall be mindful of the
5 differentiated missions of the several universities. New
6 colleges, schools, or functional equivalents of any program
7 leading to a degree which is offered as a credential for a
8 specific license granted under the Florida Statutes or the
9 State Constitution shall not be established without the
10 specific approval of the Legislature.

11 (d) Prepare the legislative budget requests, including
12 fixed capital outlay requests, in accordance with chapter 216
13 and s. 235.41. The board shall provide to the individual
14 universities fiscal policy guidelines, formats, and
15 instructions for the development of individual university
16 budget requests.

17 (e) Establish student fees.

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

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1 dental fees charged to nonresidents may be increased by the
 2 board in the same percentage as the increase in fees for
 3 nonresident undergraduates. However, in implementing this
 4 policy and in the absence of legislative action to the
 5 contrary in an appropriations act, annual fee increases for
 6 nonresident students may not exceed 25 percent. In the absence
 7 of legislative action to the contrary in the General
 8 Appropriations Act, the fees shall go into effect for the
 9 following fall term.

10 2. When the appropriations act requires a new fee
 11 schedule, the board shall establish a systemwide standard fee
 12 schedule required to produce the total fee revenue established
 13 in the appropriations act based on the product of the assigned
 14 enrollment and the fee schedule. The board may approve the
 15 expenditure of any fee revenues resulting from the product of
 16 the fee schedule adopted pursuant to this section and the
 17 assigned enrollment.

18 3. Upon provision of authority in a General
 19 Appropriations Act to spend revenue raised pursuant to this
 20 section, the board shall approve a university request to
 21 implement a matriculation and out-of-state tuition fee
 22 schedule which is calculated to generate revenue which varies
 23 no more than 10 percent from the standard fee revenues
 24 authorized through an appropriations act. In implementing an
 25 alternative fee schedule, the increase in cost to a student
 26 taking 15 hours in one term shall be limited to 5 percent.
 27 Matriculation and out-of-state tuition fee revenues generated
 28 as a result of this provision are to be expended for
 29 implementing a plan for achieving accountability goals adopted
 30 pursuant to s. 240.214 and for implementing a Board of
 31 Regents-approved plan to contain student costs by reducing the

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1 time necessary for graduation without reducing the quality of
2 instruction. The plans shall be recommended by a
3 universitywide committee, at least one-half of whom are
4 students appointed by the student body president. A
5 chairperson, appointed jointly by the university president and
6 the student body president, shall vote only in the case of a
7 tie.

8 4. The board may implement individual university plans
9 for a differential out-of-state tuition fee for universities
10 that have a service area that borders another state.

11 ~~5.4.~~ The board is authorized to collect for financial
12 aid purposes an amount not to exceed 5 percent of the student
13 tuition and matriculation fee per credit hour. The revenues
14 from fees are to remain at each campus and replace existing
15 financial aid fees. Such funds shall be disbursed to students
16 as quickly as possible. The board shall specify specific
17 limits on the percent of the fees collected in a fiscal year
18 which may be carried forward unexpended to the following
19 fiscal year. A minimum of 50 percent of funds from the student
20 financial aid fee shall be used to provide financial aid based
21 on absolute need. A student who has received an award prior to
22 July 1, 1984, shall have his or her eligibility assessed on
23 the same criteria that was used at the time of his or her
24 original award.

25 ~~6.5.~~ The board may recommend to the Legislature an
26 appropriate systemwide standard matriculation and tuition fee
27 schedule.

28 ~~7.6.~~ The Education and General Student and Other Fees
29 Trust Fund is hereby created, to be administered by the
30 Department of Education. Funds shall be credited to the trust
31 fund from student fee collections and other miscellaneous fees

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1 and receipts. The purpose of the trust fund is to support the
2 instruction and research missions of the State University
3 System. Notwithstanding the provisions of s. 216.301, and
4 pursuant to s. 216.351, any balance in the trust fund at the
5 end of any fiscal year shall remain in the trust fund and
6 shall be available for carrying out the purposes of the trust
7 fund.

8 8. The board is further authorized to establish the
9 following fees:

10 a. A nonrefundable application fee in an amount not to
11 exceed \$30.

12 b. An admissions deposit fee for the University of
13 Florida College of Dentistry in an amount not to exceed \$200.

14 c. An orientation fee in an amount not to exceed \$35.

15 d. A fee for security, access, or identification
16 cards. The annual fee for such a card may not exceed \$10 per
17 card. The maximum amount charged for a replacement card may
18 not exceed \$15.

19 e. Registration fees for audit and zero-hours
20 registration; a service charge, which may not exceed \$15, for
21 the payment of tuition in installments; and a
22 late-registration fee in an amount not less than \$50 nor more
23 than \$100 to be imposed on students who fail to initiate
24 registration during the regular registration period.

25 f. A late-payment fee in an amount not less than \$50
26 nor more than \$100 to be imposed on students who fail to pay
27 or fail to make appropriate arrangements to pay (by means of
28 installment payment, deferment, or third-party billing)
29 tuition by the deadline set by each university. Each
30 university may adopt specific procedures or policies for
31 waiving the late-payment fee for minor underpayments.

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1 g. A fee for miscellaneous health-related charges for
2 services provided at cost by the university health center
3 which are not covered by the health fee set under s.
4 240.235(1).

5 h. Materials and supplies fees to offset the cost of
6 materials or supplies that are consumed in the course of the
7 student's instructional activities, excluding the cost of
8 equipment replacement, repairs, and maintenance.

9 i. Housing rental rates and miscellaneous housing
10 charges for services provided by the university at the request
11 of the student.

12 j. A charge representing the reasonable cost of
13 efforts to collect payment of overdue accounts.

14 k. A service charge on university loans in lieu of
15 interest and administrative handling charges.

16 l. A fee for off-campus course offerings when the
17 location results in specific, identifiable increased costs to
18 the university.

19 m. Library fees and fines, including charges for
20 damaged and lost library materials, overdue reserve library
21 books, interlibrary loans, and literature searches.

22 n. Fees relating to duplicating, photocopying,
23 binding, and microfilming; copyright services; and
24 standardized testing. These fees may be charged only to those
25 who receive the services.

26 o. Fees and fines relating to the use, late return,
27 and loss and damage of facilities and equipment.

28 p. A returned-check fee as authorized by s. 832.07(1)
29 for unpaid checks returned to the university.

30 q. Traffic and parking fines, charges for parking
31 decals, and transportation access fees.

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1 r. An Educational Research Center for Child
2 Development fee for child care and services offered by the
3 center.

4 s. Fees for transcripts and diploma replacement, not
5 to exceed \$10 per item.

6 (f) Establish and maintain systemwide personnel
7 programs for all State University System employees, including
8 a systemwide personnel classification and pay plan,
9 notwithstanding provisions of law that grant authority to the
10 Department of Management Services over such programs for state
11 employees. The board shall consult with the legislative
12 appropriations committees regarding any major policy changes
13 related to classification and pay which are in conflict with
14 those policies in effect for career service employees with
15 similar job classifications and responsibilities. The board
16 may adopt rules relating to the appointment, employment, and
17 removal of personnel which delegate ~~delegating~~ its authority
18 to the Chancellor or the universities. The board shall submit,
19 in a manner prescribed by law, any reports concerning State
20 University System personnel programs as shall be required of
21 the Department of Management Services for other state
22 employees. The Department of Management Services shall retain
23 authority over State University System employees for programs
24 established in ss. 110.116, 110.123, 110.1232, 110.1234,
25 110.1235, and 110.1238 and in chapters 121, 122, and 238. The
26 board shall adopt ~~only those~~ rules ~~necessary~~ to provide for a
27 coordinated, efficient systemwide program and shall delegate
28 to the universities ~~all~~ authority ~~necessary~~ for implementing
29 ~~implementation of~~ the program consistent with these
30 coordinating rules so adopted and applicable collective
31 bargaining agreements. Notwithstanding the provisions of s.

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1 216.181(7), the salary rate controls for positions in budgets
2 under the Board of Regents shall separately delineate the
3 general faculty and all other categories.

4 (g) Develop a plan, to be mutually agreed upon by
5 applicable bargaining units, for the transfer of employees
6 from career service status provisions of chapter 110. Subject
7 to the approval of the President of the Senate and the Speaker
8 of the House of Representatives, the plan shall become
9 effective July 1, 1986.

10 (h) Recommend to the Legislature any proposed changes
11 in the Capital Improvement Trust Fund and building fees. The
12 Capital Improvement Trust Fund fee is established as \$2.44 per
13 credit hour per semester. The building fee is established as
14 \$2.32 per credit hour per semester.

15 (i) Terminate programs at the state universities
16 pursuant to findings of reviews and evaluations of
17 instructional, research, and service programs at the
18 universities.

19 (j) After consultation with the university presidents,
20 adopt a systemwide strategic plan which specifies goals and
21 objectives for the State University System. In developing
22 this plan, the board shall consider the role of individual
23 public and independent institutions within the state. The plan
24 shall provide for the roles of the universities to be
25 coordinated to best meet state needs and reflect
26 cost-effective use of state resources. The strategic plan
27 shall clarify mission statements and identify degree programs
28 to be offered at each university in accordance with the
29 objectives provided herein. The systemwide strategic plan
30 shall be for a period of 5 years with modification of the
31 program lists after 2 years. Development of each 5-year plan

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1 shall be coordinated with and initiated subsequent to
2 completion of the master plan specified in s. 240.147. The
3 Board of Regents shall submit a report to the Speaker of the
4 House of Representatives and the President of the Senate upon
5 modification of the system plan.

6 (k) Seek the cooperation and advice of the officers
7 and trustees of both public and private institutions of higher
8 education in the state in performing its duties and making its
9 plans, studies, and recommendations.

10 (l) Coordinate and provide for educational television
11 in the State University System.

12 (m) Establish and maintain an effective information
13 system which will provide composite data about the university
14 system and assure that special analyses and studies of the
15 universities are conducted, as necessary, for provision of
16 accurate and cost-effective information about the universities
17 and about the system as a whole.

18 (n) Seek the cooperation and advice of superintendents
19 and board members of local school districts in the state in
20 performing its duties and making its plans, studies, and
21 recommendations. The systemwide and university strategic plans
22 shall specifically include programs and procedures for
23 responding to the educational needs of teachers and students
24 in the public schools of this state.

25 (o) Submit to the State Board of Education, for
26 approval, all new campuses and instructional centers approved
27 by the board.

28 (p) ~~Notwithstanding the provisions of ss. 216.044,~~
29 ~~255.248, 255.249, 255.25, 255.28, 255.29, and 287.055, adopt~~
30 ~~rules to~~ Administer a program for the maintenance and
31 construction of facilities in the State University System and

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1 to secure, or otherwise provide as a self-insurer pursuant to
2 s. 440.38(6), workers' compensation coverage for contractors
3 and subcontractors, or each of them, employed by or on behalf
4 of the Board of Regents when performing work on or adjacent to
5 property owned or used by the Board of Regents or the State
6 University System.

7 (q) ~~Adopt rules to~~ Ensure compliance with the
8 provisions of s. 287.09451 ~~s. 287.0945~~, for all State
9 University System procurement, and additionally, ss. 255.101
10 and 255.102, for construction contracts, and rules adopted
11 pursuant thereto, relating to the utilization of minority
12 business enterprises, except that procurements costing less
13 than the amount provided for in CATEGORY FIVE as provided in
14 s. 287.017 shall not be subject to s. 287.09451 ~~s.~~
15 ~~287.0945(7)(a)~~.

16 (r) ~~Adopt rules pursuant to ss. 120.536(1) and 120.54~~
17 ~~to implement provisions of law conferring duties upon it,~~
18 ~~including, but not limited to, procedures to~~ Administer an
19 acquisition program for the purchase or lease of real and
20 personal property and contractual services pursuant to s.
21 240.205(6).

22 (s) Monitor the extent of limited access programs
23 within the state universities and report to the State Board of
24 Education and the Legislature admissions and enrollment data
25 for limited access programs. Such report shall be submitted
26 by December 1, 1991, and annually thereafter, and shall assist
27 in determining the potential need for academic program
28 contracts with independent institutions pursuant to s.
29 229.053. The report shall include, for each limited access
30 program within each institution, the following categories, by
31 race and gender:

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- 1 1. The number of applicants.
- 2 2. The number of applicants granted admission.
- 3 3. The number of applicants who are granted admission
- 4 and enroll.
- 5 4. The number of applicants denied admission.
- 6 5. The number of applicants neither granted admission
- 7 nor denied admission.

8
 9 Each category shall be reported for each term. Each category
 10 shall be reported by type of student, including the following
 11 subcategories: native student, community college associate in
 12 arts degree transfer student, and other student. Each
 13 category and subcategory shall further be reported according
 14 to the number of students who meet or exceed the minimum
 15 eligibility requirements for admission to the program and the
 16 number of students who do not meet or exceed the minimum
 17 eligibility requirements for admission to the program.

18 (t) ~~Require Adopt rules providing that~~ each state
 19 university ~~to shall~~ advise students who meet the minimum
 20 requirements for admission to the upper division of a state
 21 university, but are denied admission to limited access
 22 programs, of the availability of similar programs at other
 23 State University System institutions and the admissions
 24 requirements of such programs.

25 (u) Allow the waiver of any or all application, course
 26 registration, and related fees for persons who supervise
 27 student interns for institutions in the State University
 28 System.

29 (v) Manage systemwide enrollment.

30 (w) Establish policies relating to credit and
 31 non-credit education offerings by universities in the State

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1 University System.

2 (x) Establish and regulate faculty practice plans for
3 the academic health science centers.

4 (4) Any powers not specifically delegated to the
5 universities by this act shall be retained by the Board of
6 Regents unless further delegated by action of the board.

7 (5) The Board of Regents is responsible for:

8 (a) Maintaining access to state universities by
9 qualified students regardless of financial need.

10 (b) Coordinating with the Postsecondary Education
11 Planning Commission the programs, including doctoral programs,
12 to be reviewed every 5 years or whenever the board determines
13 that the effectiveness or efficiency of a program is
14 jeopardized. The board shall define the indicators of quality
15 and the criteria for program review for every program. Such
16 indicators shall include need, student demand, and resources
17 available to support continuation. The results of the program
18 reviews shall be tied to the university budget requests.

19 (c) Coordinating the roles of the universities in
20 order to best meet state needs and reflect cost-effective use
21 of state resources.

22 (d) Advising the Legislature concerning opportunities
23 for bonding university revenues, including certificate of
24 participation bonds.

25 (e) Reviewing and approving or disapproving
26 baccalaureate degree programs that exceed 120 semester hours,
27 after consideration of accreditation requirements, employment
28 and earnings of graduates, comparative program lengths
29 nationally, and comparisons of similar programs offered by
30 independent institutions. A two-thirds affirmative vote of the
31 members of the Board of Regents must approve a request. By

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1 December 31 of each year, the Board of Regents must report to
2 the Legislature any degrees in the State University System
3 which require more than 120 hours, along with appropriate
4 evidence of need. At least every 5 years, the Board of
5 Regents must determine whether the programs still require more
6 than the standard length of 120 hours.

7 (f) Reviewing and approving or disapproving degree
8 programs identified by the Articulation Coordinating Committee
9 as unique pursuant to s. 229.551(1)(f)5. The Board of Regents
10 shall ensure that university students are aware of unique
11 program prerequisites.

12 (g) Ensuring that at least half of the required
13 coursework for any baccalaureate degree in the system is
14 offered at the lower-division level, except in program areas
15 approved by the Board of Regents pursuant to paragraph (e).

16 (h) Recommending to the Legislature a plan for the
17 implementation of an increased matriculation charge for
18 students taking coursework in excess of degree requirements.

19 (i) Recommending to the Legislature a plan for the
20 implementation of block tuition programs and other incentives
21 to encourage students to graduate in 4 years.

22 (6) Notwithstanding the provisions of s. 216.262(1),
23 the Board of Regents may authorize the rent or lease of
24 parking facilities provided that such facilities are funded
25 through parking fees or parking fines imposed by a university.
26 The board may authorize a university to charge fees for
27 parking at such rented or leased parking facilities.

28 (7) The Board of Regents is authorized to permit
29 full-time State University System employees who meet academic
30 requirements to enroll for up to 6 credit hours of
31 tuition-free courses per term on a space-available basis.

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1 (8) Notwithstanding the provisions of s. 283.33, books
2 published by the State University System press shall not be
3 subject to the bid requirements provided in s. 287.017.

4 (9) Notwithstanding the provisions of s. 253.025, the
5 Board of Regents may, with the consent of the Board of
6 Trustees of the Internal Improvement Trust Fund, sell, convey,
7 transfer, exchange, trade, or purchase real property and
8 related improvements necessary and desirable to serve the
9 needs and purposes of a university in the State University
10 System.

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

20 (b) The board may negotiate and enter into an option
21 contract before an appraisal is obtained. The option contract
22 must state that the final purchase price may not exceed the
23 maximum value allowed by law. The consideration for such an
24 option contract may not exceed 10 percent of the estimate
25 obtained by the board or 10 percent of the value of the
26 parcel, whichever is greater, unless otherwise authorized by
27 the board.

28 (c) This subsection is not intended to abrogate in any
29 manner the authority delegated to the Board of Trustees of the
30 Internal Improvement Trust Fund or the Division of State Lands
31 to approve a contract for purchase of state lands or to

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1 require policies and procedures to obtain clear legal title to
2 parcels purchased for state purposes. Title to property
3 acquired by the board shall vest in the Board of Trustees of
4 the Internal Improvement Trust Fund.

5 (10) No school, college, or center at a state
6 university shall be named for a living person unless approved
7 by the Board of Regents.

8 (11) The board is authorized to adopt rules, as
9 necessary, to administer this section.

10 Section 2. Section 240.227, Florida Statutes, is
11 amended to read:

12 240.227 University presidents; powers and duties.--The
13 president is the chief administrative officer of the
14 university and is responsible for the operation and
15 administration of the university. Each university president
16 shall:

17 (1) Have the authority to adopt rules pursuant to ss.
18 120.536(1) and 120.54 to implement provisions of law governing
19 the operation and administration of the university, which
20 shall include the specific powers and duties enumerated in
21 this section. Such rules shall be consistent with the mission
22 of the university and statewide rules and policies and shall
23 assist in the development of the university in a manner which
24 will complement the missions and activities of the other
25 universities for the overall purpose of achieving the highest
26 quality of education for the citizens of the state.

27 (2) Prepare a budget request to be transmitted to the
28 Board of Regents. Such request shall be prepared in
29 accordance with the fiscal policy guidelines, formats, and
30 instructions prescribed by the Board of Regents.

31 (3) Develop an operating budget.

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1 (4) Conduct biennially a space utilization study to
2 support the university budget request for capital outlay.

3 (5) Appoint university personnel and provide for the
4 compensation and other conditions of employment such as
5 recruitment, non-reappointment, benefits and hours of work,
6 evaluation, recognition, inventions and works, learning
7 opportunities, academic freedom and responsibility, promotion,
8 assignment, demotion, transfer, tenure and permanent status,
9 ethical obligations and conflicts of interest, restrictive
10 covenants, disciplinary actions, complaints, appeals and
11 grievance procedures, and separation and termination from
12 employment, consistent with applicable law, collective
13 bargaining agreements, and the Board of Regents rules ~~rule for~~
14 ~~university personnel who are exempt from chapter 110.~~

15 (6) Certify annually to the Board of Regents the
16 actual classroom contact hours conducted by each faculty
17 member.

18 (7) Maintain all data and information pertaining to
19 the operation of the university.

20 (8) Govern admissions, subject to rules of the Board
21 of Regents and as provided in s. 240.233.

22 (9) Develop a program of continuing education and
23 establish, pursuant to rules and guidelines adopted by the
24 Board of Regents, fees for continuing education activities
25 within the university service area when there is a
26 demonstrated and justified need. The university is authorized
27 to cooperate with any public utility, any other governmental
28 entity or private individual, or any type of profit or
29 nonprofit legal entity in connection with the establishment
30 and operation of such a continuing education program,
31 including the acceptance of money and other things of value.

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1 (10) Provide and coordinate credit and noncredit
2 extension courses in all fields which the university considers
3 necessary to improve and maintain the educational standards of
4 the university service area.

5 (11) Establish and maintain ~~Make rules necessary for~~
6 ~~the establishment and maintenance of~~ a personnel exchange
7 program, by which persons employed within the university as
8 instructional and research faculty and comparable
9 administrative and professional staff may be exchanged with
10 persons employed in like capacities by institutions of higher
11 learning which are not under the jurisdiction of the
12 university, by units of government either within or without
13 this state, or by private industry. The salary and benefits
14 of State University System and state personnel participating
15 in the exchange program shall be continued during the period
16 of time they participate in the exchange program, and such
17 personnel shall be deemed to have no break in creditable or
18 continuous state service or employment during the period of
19 time in which they participate in the exchange program. The
20 salary and benefits of persons participating in the personnel
21 exchange program who are employed by institutions of higher
22 learning which are not under the jurisdiction of the
23 university, by units of government either within or without
24 this state, or by private industry shall be paid by the
25 originating employers of those participants. The duties and
26 responsibilities of a person participating in the exchange
27 program shall be the same as those of the person he or she
28 replaces.

29 (12) Approve and execute contracts for the acquisition
30 of commodities, goods, equipment, services, leases of real and
31 personal property, and construction to be rendered to or by

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1 the university, provided such contracts are made pursuant to
2 rules of the Board of Regents, are for the implementation of
3 approved programs of the university, and do not require
4 expenditures in excess of \$1 million. The acquisition may be
5 made by installment or lease-purchase contract. Such
6 contracts may provide for the payment of interest on the
7 unpaid portion of the purchase price. Notwithstanding any
8 other provisions of this subsection, university presidents
9 shall comply with the provisions of s. 287.055 for the
10 procurement of professional services and may approve and
11 execute all contracts for planning, construction, and
12 equipment for projects with building programs and construction
13 budgets approved by the Board of Regents. For the purposes of
14 a university president's contracting authority, a "continuing
15 contract" for professional services under the provisions of s.
16 287.055 is one in which construction costs do not exceed \$1
17 million or the fee for study activity does not exceed
18 \$100,000.

19 (13) Use, maintain, protect, and control
20 university-owned or university-controlled buildings and
21 grounds, property and equipment, name, and trademarks and
22 other proprietary marks, and the financial and other resources
23 of the university. Such authority may include placing
24 restrictions on commercial activity and on access to
25 facilities, firearms, food, tobacco, alcoholic beverages,
26 distribution of printed materials, animals, and sound. The
27 authority vested in the university president under this
28 subsection includes the authority to prioritize the use of
29 university space, property, equipment, and resources and the
30 authority to impose charges for the use of those items.
31 Furthermore, each university president has ~~Manage the property~~

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1 ~~and financial resources of the university, including, but not~~
2 ~~limited to, having~~ the authority to adjust property records
3 and dispose of state-owned tangible personal property in the
4 university's custody in accordance with procedures established
5 by the Board of Regents. Notwithstanding the provisions of s.
6 273.055(5), all moneys received from the disposition of
7 state-owned tangible personal property shall be retained by
8 the university and disbursed for the acquisition of tangible
9 personal property and for all necessary operating
10 expenditures. The university shall maintain records of the
11 accounts into which such moneys are deposited.

12 (14) Establish the internal academic calendar of the
13 university within general guidelines of the Board of Regents.

14 (15) Administer the university's program of
15 intercollegiate athletics.

16 (16) Recommend to the Board of Regents the
17 establishment and termination of degree programs within the
18 approved role and scope of the university.

19 (17) Award degrees.

20 (18) Supervise all construction contracts.

21 ~~(19) Administer personnel programs established by the~~
22 ~~Board of Regents and any applicable collective bargaining~~
23 ~~agreements under the supervision of the Board of Regents.~~

24 (19)~~(20)~~ Recommend to the Board of Regents any fees
25 applicable to the university and not otherwise prescribed by
26 law.

27 (20)~~(21)~~ Organize the university to efficiently and
28 effectively achieve the goals of the university; however, any
29 reorganization which increases the number of administrators or
30 their level of compensation shall be reviewed and approved by
31 the Board of Regents.

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1 ~~(21)(22)~~ Review periodically the operations of the
2 university in order to determine whether the rules and
3 policies of the Board of Regents and the universities are
4 being followed and to determine how effectively and
5 efficiently the university is being administered.

6 ~~(22)(23)~~ Otherwise provide for the effective operation
7 of the university in the achievement of the goals established
8 for it in the strategic plan adopted by the Board of Regents.

9 ~~(23)(24)~~ ~~Adopt rules and~~ Enter into agreements for
10 student exchange programs which involve students at the
11 university and students in institutions of higher learning,
12 either within or without the state, which are not in the State
13 University System. Such agreements may provide that the
14 tuition and fees of a student who is enrolled in a university
15 in the State University System and who is participating in an
16 exchange program shall be paid to the state university during
17 the period of time he or she is participating in the exchange
18 program. Such agreements may also provide that the tuition
19 and fees of a student who is enrolled in an institution which
20 is not in the State University System and who is participating
21 in an exchange program shall be paid to the nonstate
22 institution in which he or she is enrolled.

23 (24) Approve the internal procedures of student
24 government and provide purchasing, contracting, and
25 budgetary-review processes.

26 (25) Provide for the use and protection of data and
27 technology, including information systems, communication
28 systems, computer hardware and software, and networks.

29 (26) Ensure compliance with federal laws, regulations,
30 and other requirements that are applicable to the university.

31 (27) Each university president is authorized to adopt

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1 rules to implement the provisions of this section.

2 Section 3. Subsection (6) of section 240.229, Florida
3 Statutes, is amended to read:

4 240.229 Universities; powers; patents, copyrights, and
5 trademarks.--Any other law to the contrary notwithstanding,
6 each university is authorized, in its own name, to:

7 (6) Do all other acts necessary and proper for the
8 execution of powers and duties herein conferred upon the
9 university, including adopting rules, as necessary, in order
10 to administer this section. Any proceeds therefrom shall be
11 deposited and expended in accordance with s. 240.241. Any
12 action taken by the university in securing or exploiting such
13 trademarks, copyrights, or patents shall, within 30 days, be
14 reported in writing by the president to the Department of
15 State.

16 Section 4. Section 240.233, Florida Statutes, is
17 amended to read:

18 240.233 Universities; admissions of students.--Each
19 university is authorized to adopt rules governing the
20 admission of students ~~shall govern admissions of students,~~
21 subject to this section and rules of the Board of Regents.

22 (1) Minimum academic standards for undergraduate
23 admission to a university must include the requirements that:

24 (a) Each student have received a high school diploma
25 pursuant to s. 232.246, or its equivalent, except as provided
26 in s. 240.116(2) and (3).

27 (b) Each student have successfully completed a
28 college-preparatory curriculum of nineteen credits, as defined
29 in rules of the Board of Regents, including at least earned
30 two credits of sequential foreign language at the secondary
31 level or the equivalent of such instruction at the

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1 postsecondary level. A student whose native language is not
2 English is exempt from this admissions requirement, provided
3 that the student demonstrates proficiency in the native
4 language. If a standardized test is not available in the
5 student's native language for the demonstration of
6 proficiency, the university may provide an alternative method
7 of assessment. The State Board of Education shall adopt rules
8 for the articulation of foreign language competency and
9 equivalency between secondary and postsecondary institutions.
10 A student who received an associate in arts degree prior to
11 September 1, 1989, or who enrolled in a program of studies
12 leading to an associate degree from a Florida community
13 college prior to August 1, 1989, and maintains continuous
14 enrollment shall be exempt from this admissions requirement.

15 (c) Each student have submitted a test score from the
16 Scholastic Assessment Test of the College Entrance Examination
17 Board or the American College Testing Program.

18 (2) The minimum admission standards adopted by the
19 Board of Regents or a state university must permit a student
20 to earn at least four of the nineteen credits constituting the
21 college-preparatory curriculum required for admission as
22 electives in any one of the following manners:

23 (a) Successful completion of any course identified in
24 the Department of Education course code directory as level two
25 or higher in one or more of the following subject areas:
26 English, mathematics, natural science, social science, and
27 foreign language;

28 (b) Successful completion of any course identified in
29 the Department of Education course code directory as level
30 three in the same or related disciplines;

31 (c) Any combination of the courses identified in

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1 paragraphs (a) and (b); or

2 (d) Successful completion of two credits from the
3 courses identified in paragraph (a), plus no more than two
4 total credits from the following categories of courses:

5 1. Courses identified in the Department of Education
6 course code directory as ROTC and military training;

7 2. Courses identified in the Department of Education
8 course code directory as level two in art-visual arts, dance,
9 drama-theatre arts, language arts, or music; or

10 3. Any additional courses determined to be equivalent
11 by the Articulation Coordinating Committee.

12 (3)(2) The Board of Regents shall adopt rules which
13 provide for a limited number of students to be admitted to the
14 State University System, notwithstanding the admission
15 requirements of paragraph (1)(b) relating to credits in
16 foreign language, if there is evidence that the applicant is
17 expected to do successful academic work at the admitting
18 university. The number of applicants admitted under this
19 subsection may not exceed 5 percent of the total number of
20 freshmen who entered the State University System the prior
21 year. Any lower-division student admitted without meeting the
22 foreign language requirement must earn such credits prior to
23 admission to the upper division of a state university. Any
24 associate in arts admission to the upper division of a state
25 university. Any associate in arts degree graduate from a
26 public community college or university in Florida, or other
27 upper-division transfer student, admitted without meeting the
28 foreign language requirement, must earn such credits prior to
29 graduation from a state university. Students shall be exempt
30 from the provisions of this subsection if they can demonstrate
31 proficiency in American sign language equivalent to that of

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1 students who have completed two credits of such instruction in
2 high school.

3 (4)~~(3)~~(a) Nonresident students may be admitted to the
4 university upon such terms as the university may establish.
5 However, such terms shall include, but shall not be limited
6 to: completion of a secondary school curriculum which
7 includes 4 years of English; 3 years each of mathematics,
8 science, and social sciences; and 2 years of a foreign
9 language.

10 (b) Within the admission standards provided for in
11 subsection (1), the Board of Regents shall develop procedures
12 for weighting courses which are necessary to meet the
13 requirements of a college-preparatory curriculum at a higher
14 value than less rigorous courses. Credits received in such
15 courses shall be given greater value in determining admission
16 by universities than cumulative grade point averages in high
17 school.

18 (5)~~(4)~~ Consideration shall be given to the past
19 actions of any person applying for admission as a student to
20 any state university, either as a new applicant, an applicant
21 for continuation of studies, or a transfer student, when such
22 actions have been found to disrupt or interfere with the
23 orderly conduct, processes, functions, or programs of any
24 other university, college, or community college.

25 (6)~~(5)~~ In any application for admission by a student
26 as a citizen of the state, the applicant, if 18 years of age,
27 or, if a minor, his or her parents or guardian shall make and
28 file with such application a written statement under oath that
29 such applicant is a citizen and resident of the state and
30 entitled, as such, to admission upon the terms and conditions
31 prescribed for citizens and residents of the state.

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1 ~~(7)~~(6) Rules of the State Board of Education shall
 2 require the use of scores on tests of college-level
 3 communication and computation skills provided in s. 229.551 as
 4 a condition for admission of students to upper-division
 5 instructional programs from community colleges, including
 6 those who have been awarded associate in arts degrees. Use of
 7 such test scores as an admission requirement shall extend
 8 equally and uniformly to students enrolled in lower divisions
 9 in the State University System and to transfer students from
 10 other colleges and universities. The tests shall be required
 11 for community college students seeking associate in arts
 12 degrees and students seeking admission to upper-division
 13 instructional programs in the State University System. The
 14 use of test scores prior to August 1, 1984, shall be limited
 15 to student counseling and curriculum improvement.

16 ~~(8)~~(7) For the purposes of this section, American sign
 17 language constitutes a foreign language. Florida high schools
 18 may offer American sign language as a for-credit elective or
 19 as a substitute for any already authorized foreign language
 20 requirement.

21 ~~(9)~~(8) A Florida resident who is denied admission as
 22 an undergraduate to a state university for failure to meet the
 23 high school grade point average requirement may appeal the
 24 decision to the university and request a recalculation of the
 25 grade point average including in the revised calculation the
 26 grades earned in up to three credits of advanced fine arts
 27 courses. The university shall provide the student with a
 28 description of the appeals process at the same time as
 29 notification of the admissions decision. The university shall
 30 recalculate the student's grade point average using the
 31 additional courses and advise the student of any changes in

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1 the student's admission status. For purposes of this section,
2 fine arts courses include courses in music, drama, painting,
3 sculpture, speech, debate, or a course in any art form that
4 requires manual dexterity. Advanced level fine arts courses
5 include fine arts courses identified in the course code
6 directory as Advanced Placement, pre-International
7 Baccalaureate, or International Baccalaureate, or fine arts
8 courses taken in the third or fourth year of a fine arts
9 curriculum.

10 Section 5. Subsection (17) is added to section
11 240.241, Florida Statutes, to read:

12 240.241 Divisions of sponsored research at state
13 universities.--

14 (17) Each university president is authorized to adopt
15 rules, as necessary, to administer this section.

16 Section 6. Section 240.261, Florida Statutes, is
17 amended to read:

18 240.261 Codes of conduct;disciplinary measures;
19 rulemaking authority ~~rules~~.--

20 (1) Each university may adopt, by rule, codes of
21 conduct and a uniform code of appropriate penalties for
22 violations of rules by students and employees, to be
23 administered by the ~~president of each~~ university. Such
24 penalties, unless otherwise provided by law, may include:
25 reprimand; restitution; fines; , ~~the~~ withholding of diplomas or
26 transcripts pending compliance with rules, completion of any
27 student judicial process or sanction, or payment of fines;
28 restrictions on the use of or removal from university
29 facilities; community service; educational requirements; ~~and~~
30 the imposition of probation, suspension, ~~or~~ dismissal, or
31 expulsion.

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1 (2) Each university may adopt, by rule, a code of
2 conduct and appropriate penalties for violations of rules by
3 student organizations, to be administered by the university.
4 Such penalties, unless otherwise provided by law, may include:
5 reprimand; restitution; suspension, cancellation, or
6 revocation of the registration or official recognition of a
7 student organization; and restrictions on the use of, or
8 removal from, university facilities.

9 (3) Sanctions authorized by university codes of
10 conduct may be imposed only for acts or omissions in violation
11 of rules adopted by the university, including rules adopted
12 under this section, rules of the Board of Regents, county and
13 municipal ordinances, and the laws of this state, the United
14 States, or any other state.

15 (4) Each university may establish and adopt, by rule,
16 codes of appropriate penalties for violations of rules
17 governing student academic honesty. Such penalties, unless
18 otherwise provided by law, may include: reprimand; reduction
19 of grade; denial of academic credit; invalidation of
20 university credit or of the degree based upon such credit;
21 probation; suspension; dismissal; or expulsion. In addition to
22 any other penalties that may be imposed, an individual may be
23 denied admission or further registration, and the university
24 may invalidate academic credit for work done by a student and
25 may invalidate or revoke the degree based upon such credit if
26 it is determined that the student has made false, fraudulent,
27 or incomplete statements in the application, residence
28 affidavit, or accompanying documents or statements in
29 connection with, or supplemental to, the application for
30 admission to or graduation from the university.

31 ~~(5)~~(2) The university shall adopt rules for the lawful

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1 discipline of any student, faculty member, or member of the
2 administrative staff who intentionally acts to impair,
3 interfere with, or obstruct the orderly conduct, processes,
4 and functions of a state university. Said rules may apply to
5 acts conducted on or off campus when relevant to such orderly
6 conduct, processes, and functions.

7 Section 7. Subsection (4) is added to section 240.291,
8 Florida Statutes, to read:

9 240.291 Delinquent accounts.--

10 (4) Each university is authorized to adopt rules, as
11 necessary, to implement the provisions of this section,
12 including setoff procedures, payroll deductions, and
13 restrictions on release of transcripts, awarding of diplomas,
14 and access to other university resources and services.

15 Section 8. This act shall take effect July 1, 2000.

16
17

18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 Delete everything before the enacting clause

21

22 and insert:

23 A bill to be entitled
24 An act relating to rulemaking authority for the
25 State University System (RAB); amending s.
26 240.209, F.S.; authorizing the Board of Regents
27 to adopt certain systemwide rules; authorizing
28 the Board of Regents to implement a
29 differential out-of-state tuition fee for
30 certain universities; amending s. 240.227,
31 F.S.; authorizing each university president to

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1 adopt rules implementing provisions of law
2 governing the operation and administration of
3 the university; providing for specific areas in
4 which such authority is to be exercised;
5 amending s. 240.229, F.S., relating to patents,
6 copyrights, and trademarks; authorizing each
7 university to adopt rules, as necessary, to
8 carry out the powers and duties enumerated in
9 this section; amending s. 240.233, F.S.;
10 authorizing each university to adopt rules
11 governing the admission of students; revising
12 requirements for minimum standards for
13 undergraduate admission relating to foreign
14 language; allowing students to use up to two
15 credits in art, music, drama, speech, debate,
16 humanities, or military science courses to
17 count towards the admission requirements;
18 requiring submission of a test score; amending
19 s. 240.241, F.S., relating to divisions of
20 sponsored research at state universities;
21 authorizing each university president to adopt
22 rules to implement this section; amending s.
23 240.261, F.S.; authorizing universities to
24 adopt rules pertaining to codes of conduct, and
25 penalties for violating such codes, for
26 students and university employees; providing
27 for rules and penalties relating to student
28 academic honesty; amending s. 240.291, F.S.,
29 relating to delinquent accounts; providing for
30 each university to adopt rules to implement
31 this section; providing an effective date.