

By Senators Horne, King and Mitchell

6-1142A-00

1                                   A bill to be entitled  
2           An act relating to rulemaking authority for the  
3           State University System (RAB); amending s.  
4           240.209, F.S.; authorizing the Board of Regents  
5           to adopt certain systemwide rules; amending s.  
6           240.227, F.S.; authorizing each university  
7           president to adopt rules implementing  
8           provisions of law governing the operation and  
9           administration of the university; providing for  
10          specific areas in which such authority is to be  
11          exercised; amending s. 240.229, F.S., relating  
12          to patents, copyrights, and trademarks;  
13          authorizing each university to adopt rules, as  
14          necessary, to carry out the powers and duties  
15          enumerated in this section; amending s.  
16          240.233, F.S.; authorizing each university  
17          president to adopt rules governing the  
18          admission of students; amending s. 240.241,  
19          F.S., relating to divisions of sponsored  
20          research at state universities; authorizing  
21          each university president to adopt rules to  
22          implement this section; amending s. 240.261,  
23          F.S.; authorizing universities to adopt rules  
24          pertaining to codes of conduct, and penalties  
25          for violating such codes, for students and  
26          university employees; providing for rules and  
27          penalties relating to student academic honesty;  
28          amending s. 240.291, F.S., relating to  
29          delinquent accounts; providing for each  
30          university to adopt rules to implement this  
31          section; providing an effective date.

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

2

3 Section 1. Section 240.209, Florida Statutes, is  
4 amended to read:

5 240.209 Board of Regents; powers and duties.--

6 (1) The Board of Regents is authorized to adopt  
7 ~~primarily responsible for adopting~~ systemwide rules pursuant  
8 to ss. 120.536(1) and 120.54 to implement provisions of law  
9 conferring duties upon it; to plan ~~planning~~ for the future  
10 needs of the State University System; to plan ~~planning~~ the  
11 programmatic, financial, and physical development of the  
12 system; to review ~~reviewing~~ and evaluate ~~evaluating~~ the  
13 instructional, research, and service programs at the  
14 universities; to coordinate ~~coordinating~~ program development  
15 among the universities; and to monitor ~~monitoring~~ the fiscal  
16 performance of the universities.

17 (2) The Board of Regents shall appoint a Chancellor to  
18 serve at its pleasure who shall perform such duties as are  
19 assigned to him or her by the board. The board shall fix the  
20 compensation and other conditions of employment for the  
21 Chancellor. The board shall also provide for the compensation  
22 and other conditions of employment for employees necessary to  
23 assist the board and the Chancellor in the performance of  
24 their duties. The Chancellor shall be the chief administrative  
25 officer of the board and shall be responsible for appointing  
26 all employees of the board who shall serve under his or her  
27 direction and control. The Chancellor must be qualified by  
28 training and experience to understand the problems and needs  
29 of the state in the field of postsecondary education. Search  
30 committee activities for the selection of the Chancellor up to  
31 the point of transmitting a list of nominees to the Board of

1 Regents shall be confidential and exempt from the provisions  
2 of ss. 119.07(1) and 286.011.

3 (3) The board shall:

4 (a) Develop a plan for the future expansion of the  
5 State University System and recommend the establishment of new  
6 universities consistent with the criteria adopted by the State  
7 Board of Education pursuant to s. 229.053. The plan must  
8 include a procedure for the periodic assessment of the need  
9 for a new state university and specific standards for the  
10 minimum acreage, building space, staffing, and programmatic  
11 mix of state universities.

12 (b) Appoint or remove the president of each university  
13 in accordance with procedures and rules adopted by the Board  
14 of Regents. The board may appoint a search committee to  
15 assist in evaluating presidential candidates. Each appointment  
16 of a university president shall be conducted in accordance  
17 with the provisions of ss. 119.07 and 286.011. The board shall  
18 determine the compensation and other conditions of employment  
19 for each president.

20 (c) Approve new degree programs for all state  
21 universities. In so doing, the board shall be mindful of the  
22 differentiated missions of the several universities. New  
23 colleges, schools, or functional equivalents of any program  
24 leading to a degree which is offered as a credential for a  
25 specific license granted under the Florida Statutes or the  
26 State Constitution shall not be established without the  
27 specific approval of the Legislature.

28 (d) Prepare the legislative budget requests, including  
29 fixed capital outlay requests, in accordance with chapter 216  
30 and s. 235.41. The board shall provide to the individual  
31 universities fiscal policy guidelines, formats, and

1 instructions for the development of individual university  
2 budget requests.

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 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 7. The board is further authorized to establish the  
23 following fees:

24 a. A nonrefundable application fee in an amount not to  
25 exceed \$30.

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

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

29 d. A fee for security, access, or identification  
30 cards. The annual fee for such a card may not exceed \$10 per  
31

1 card. The maximum amount charged for a replacement card may  
2 not exceed \$15.

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

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

16 g. A fee for miscellaneous health-related charges for  
17 services provided at cost by the university health center  
18 which are not covered by the health fee set under s.  
19 240.235(1).

20 h. Materials and supplies fees to offset the cost of  
21 materials or supplies that are consumed in the course of the  
22 student's instructional activities, excluding the cost of  
23 equipment replacement, repairs, and maintenance.

24 i. Housing rental rates and miscellaneous housing  
25 charges for services provided by the university at the request  
26 of the student.

27 j. A charge representing the reasonable cost of  
28 efforts to collect payment of overdue accounts.

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

31

1           l. A fee for off-campus course offerings when the  
2 location results in specific, identifiable increased costs to  
3 the university.

4           m. Library fees and fines, including charges for  
5 damaged and lost library materials, overdue reserve library  
6 books, interlibrary loans, and literature searches.

7           n. Fees relating to duplicating, photocopying,  
8 binding, and microfilming; copyright services; and  
9 standardized testing. These fees may be charged only to those  
10 who receive the services.

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

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

15           q. Traffic and parking fines, charges for parking  
16 decals, and transportation access fees.

17           r. An Educational Research Center for Child  
18 Development fee for child care and services offered by the  
19 center.

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

22           (f) Establish and maintain systemwide personnel  
23 programs for all State University System employees, including  
24 a systemwide personnel classification and pay plan,  
25 notwithstanding provisions of law that grant authority to the  
26 Department of Management Services over such programs for state  
27 employees. The board shall consult with the legislative  
28 appropriations committees regarding any major policy changes  
29 related to classification and pay which are in conflict with  
30 those policies in effect for career service employees with  
31 similar job classifications and responsibilities. The board



1 may adopt rules relating to the appointment, employment, and  
2 removal of personnel which delegate ~~delegating~~ its authority  
3 to the Chancellor or the universities. The board shall submit,  
4 in a manner prescribed by law, any reports concerning State  
5 University System personnel programs as shall be required of  
6 the Department of Management Services for other state  
7 employees. The Department of Management Services shall retain  
8 authority over State University System employees for programs  
9 established in ss. 110.116, 110.123, 110.1232, 110.1234,  
10 110.1235, and 110.1238 and in chapters 121, 122, and 238. The  
11 board shall adopt ~~only those~~ rules ~~necessary~~ to provide for a  
12 coordinated, efficient systemwide program and shall delegate  
13 to the universities ~~all~~ authority ~~necessary~~ for implementing  
14 ~~implementation of~~ the program consistent with these  
15 coordinating rules so adopted and applicable collective  
16 bargaining agreements. Notwithstanding the provisions of s.  
17 216.181(7), the salary rate controls for positions in budgets  
18 under the Board of Regents shall separately delineate the  
19 general faculty and all other categories.

20 (g) Develop a plan, to be mutually agreed upon by  
21 applicable bargaining units, for the transfer of employees  
22 from career service status provisions of chapter 110. Subject  
23 to the approval of the President of the Senate and the Speaker  
24 of the House of Representatives, the plan shall become  
25 effective July 1, 1986.

26 (h) Recommend to the Legislature any proposed changes  
27 in the Capital Improvement Trust Fund and building fees. The  
28 Capital Improvement Trust Fund fee is established as \$2.44 per  
29 credit hour per semester. The building fee is established as  
30 \$2.32 per credit hour per semester.

31

1           (i) Terminate programs at the state universities  
2 pursuant to findings of reviews and evaluations of  
3 instructional, research, and service programs at the  
4 universities.

5           (j) After consultation with the university presidents,  
6 adopt a systemwide strategic plan which specifies goals and  
7 objectives for the State University System. In developing  
8 this plan, the board shall consider the role of individual  
9 public and independent institutions within the state. The plan  
10 shall provide for the roles of the universities to be  
11 coordinated to best meet state needs and reflect  
12 cost-effective use of state resources. The strategic plan  
13 shall clarify mission statements and identify degree programs  
14 to be offered at each university in accordance with the  
15 objectives provided herein. The systemwide strategic plan  
16 shall be for a period of 5 years with modification of the  
17 program lists after 2 years. Development of each 5-year plan  
18 shall be coordinated with and initiated subsequent to  
19 completion of the master plan specified in s. 240.147. The  
20 Board of Regents shall submit a report to the Speaker of the  
21 House of Representatives and the President of the Senate upon  
22 modification of the system plan.

23           (k) Seek the cooperation and advice of the officers  
24 and trustees of both public and private institutions of higher  
25 education in the state in performing its duties and making its  
26 plans, studies, and recommendations.

27           (l) Coordinate and provide for educational television  
28 in the State University System.

29           (m) Establish and maintain an effective information  
30 system which will provide composite data about the university  
31 system and assure that special analyses and studies of the

1 universities are conducted, as necessary, for provision of  
2 accurate and cost-effective information about the universities  
3 and about the system as a whole.

4 (n) Seek the cooperation and advice of superintendents  
5 and board members of local school districts in the state in  
6 performing its duties and making its plans, studies, and  
7 recommendations. The systemwide and university strategic plans  
8 shall specifically include programs and procedures for  
9 responding to the educational needs of teachers and students  
10 in the public schools of this state.

11 (o) Submit to the State Board of Education, for  
12 approval, all new campuses and instructional centers approved  
13 by the board.

14 (p) ~~Notwithstanding the provisions of ss. 216.044,~~  
15 ~~255.248, 255.249, 255.25, 255.28, 255.29, and 287.055, adopt~~  
16 ~~rules to~~ Administer a program for the maintenance and  
17 construction of facilities in the State University System and  
18 to secure, or otherwise provide as a self-insurer pursuant to  
19 s. 440.38(6), workers' compensation coverage for contractors  
20 and subcontractors, or each of them, employed by or on behalf  
21 of the Board of Regents when performing work on or adjacent to  
22 property owned or used by the Board of Regents or the State  
23 University System.

24 (q) ~~Adopt rules to~~ Ensure compliance with the  
25 provisions of s. 373.607 ~~s. 287.0945~~, for all State University  
26 System procurement, and additionally, ss. 255.101 and 255.102,  
27 for construction contracts, and rules adopted pursuant  
28 thereto, relating to the utilization of minority business  
29 enterprises, except that procurements costing less than the  
30 amount provided for in CATEGORY FIVE as provided in s. 287.017  
31 shall not be subject to s. 373.607 ~~s. 287.0945(7)(a)~~.

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

7           (s) Monitor the extent of limited access programs  
8 within the state universities and report to the State Board of  
9 Education and the Legislature admissions and enrollment data  
10 for limited access programs. Such report shall be submitted  
11 by December 1, 1991, and annually thereafter, and shall assist  
12 in determining the potential need for academic program  
13 contracts with independent institutions pursuant to s.  
14 229.053. The report shall include, for each limited access  
15 program within each institution, the following categories, by  
16 race and gender:

- 17           1. The number of applicants.
- 18           2. The number of applicants granted admission.
- 19           3. The number of applicants who are granted admission  
20 and enroll.
- 21           4. The number of applicants denied admission.
- 22           5. The number of applicants neither granted admission  
23 nor denied admission.

24  
25 Each category shall be reported for each term. Each category  
26 shall be reported by type of student, including the following  
27 subcategories: native student, community college associate in  
28 arts degree transfer student, and other student. Each  
29 category and subcategory shall further be reported according  
30 to the number of students who meet or exceed the minimum  
31 eligibility requirements for admission to the program and the

1 number of students who do not meet or exceed the minimum  
2 eligibility requirements for admission to the program.

3       (t) Require ~~Adopt rules providing that~~ each state  
4 university ~~to shall~~ advise students who meet the minimum  
5 requirements for admission to the upper division of a state  
6 university, but are denied admission to limited access  
7 programs, of the availability of similar programs at other  
8 State University System institutions and the admissions  
9 requirements of such programs.

10       (u) Allow the waiver of any or all application, course  
11 registration, and related fees for persons who supervise  
12 student interns for institutions in the State University  
13 System.

14       (v) Manage systemwide enrollment.

15       (w) Govern the admission of students into the State  
16 University System.

17       (x) Establish policies relating to credit and  
18 non-credit education offerings by universities in the State  
19 University System.

20       (y) Establish and regulate faculty practice plans for  
21 the academic health science centers.

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

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

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

28       (b) Coordinating with the Postsecondary Education  
29 Planning Commission the programs, including doctoral programs,  
30 to be reviewed every 5 years or whenever the board determines  
31 that the effectiveness or efficiency of a program is

1 | jeopardized. The board shall define the indicators of quality  
2 | and the criteria for program review for every program. Such  
3 | indicators shall include need, student demand, and resources  
4 | available to support continuation. The results of the program  
5 | reviews shall be tied to the university budget requests.

6 |         (c) Coordinating the roles of the universities in  
7 | order to best meet state needs and reflect cost-effective use  
8 | of state resources.

9 |         (d) Advising the Legislature concerning opportunities  
10 | for bonding university revenues, including certificate of  
11 | participation bonds.

12 |         (e) Reviewing and approving or disapproving  
13 | baccalaureate degree programs that exceed 120 semester hours,  
14 | after consideration of accreditation requirements, employment  
15 | and earnings of graduates, comparative program lengths  
16 | nationally, and comparisons of similar programs offered by  
17 | independent institutions. A two-thirds affirmative vote of the  
18 | members of the Board of Regents must approve a request. By  
19 | December 31 of each year, the Board of Regents must report to  
20 | the Legislature any degrees in the State University System  
21 | which require more than 120 hours, along with appropriate  
22 | evidence of need. At least every 5 years, the Board of  
23 | Regents must determine whether the programs still require more  
24 | than the standard length of 120 hours.

25 |         (f) Reviewing and approving or disapproving degree  
26 | programs identified by the Articulation Coordinating Committee  
27 | as unique pursuant to s. 229.551(1)(f)5. The Board of Regents  
28 | shall ensure that university students are aware of unique  
29 | program prerequisites.

30 |         (g) Ensuring that at least half of the required  
31 | coursework for any baccalaureate degree in the system is

1 offered at the lower-division level, except in program areas  
2 approved by the Board of Regents pursuant to paragraph (e).

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

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

9 (6) Notwithstanding the provisions of s. 216.262(1),  
10 the Board of Regents may authorize the rent or lease of  
11 parking facilities provided that such facilities are funded  
12 through parking fees or parking fines imposed by a university.  
13 The board may authorize a university to charge fees for  
14 parking at such rented or leased parking facilities.

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

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

22 (9) Notwithstanding the provisions of s. 253.025, the  
23 Board of Regents may, with the consent of the Board of  
24 Trustees of the Internal Improvement Trust Fund, sell, convey,  
25 transfer, exchange, trade, or purchase real property and  
26 related improvements necessary and desirable to serve the  
27 needs and purposes of a university in the State University  
28 System.

29 (a) The board may secure appraisals and surveys. The  
30 board shall comply with the rules of the Board of Trustees of  
31 the Internal Improvement Trust Fund in securing appraisals.

1 Whenever the board finds it necessary for timely property  
2 acquisition, it may contract, without the need for competitive  
3 selection, with one or more appraisers whose names are  
4 contained on the list of approved appraisers maintained by the  
5 Division of State Lands in the Department of Environmental  
6 Protection.

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

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

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

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

28 Section 2. Section 240.227, Florida Statutes, is  
29 amended to read:

30 240.227 University presidents; powers and duties.--The  
31 president is the chief administrative officer of the



1 university and is responsible for the operation and  
2 administration of the university. Each university president  
3 shall:

4           (1) Have the authority to adopt rules pursuant to ss.  
5 120.536(1) and 120.54 to implement provisions of law governing  
6 the operation and administration of the university, which  
7 shall include the specific powers and duties enumerated in  
8 this section. Such rules shall be consistent with the mission  
9 of the university and statewide rules and policies and shall  
10 assist in the development of the university in a manner which  
11 will complement the missions and activities of the other  
12 universities for the overall purpose of achieving the highest  
13 quality of education for the citizens of the state.

14           (2) Prepare a budget request to be transmitted to the  
15 Board of Regents. Such request shall be prepared in  
16 accordance with the fiscal policy guidelines, formats, and  
17 instructions prescribed by the Board of Regents.

18           (3) Develop an operating budget.

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

21           (5) Appoint university personnel and provide for the  
22 compensation and other conditions of employment such as  
23 recruitment, non-reappointment, benefits and hours of work,  
24 evaluation, recognition, inventions and works, learning  
25 opportunities, academic freedom and responsibility, promotion,  
26 assignment, demotion, transfer, tenure and permanent status,  
27 ethical obligations and conflicts of interest, restrictive  
28 covenants, disciplinary actions, complaints, appeals and  
29 grievance procedures, and separation and termination from  
30 employment, consistent with applicable law, collective  
31

1 bargaining agreements, and the Board of Regents rules ~~rule for~~  
2 ~~university personnel who are exempt from chapter 110.~~

3 (6) Certify annually to the Board of Regents the  
4 actual classroom contact hours conducted by each faculty  
5 member.

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

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

10 (9) Develop a program of continuing education and  
11 establish, pursuant to rules and guidelines adopted by the  
12 Board of Regents, fees for continuing education activities  
13 within the university service area when there is a  
14 demonstrated and justified need. The university is authorized  
15 to cooperate with any public utility, any other governmental  
16 entity or private individual, or any type of profit or  
17 nonprofit legal entity in connection with the establishment  
18 and operation of such a continuing education program,  
19 including the acceptance of money and other things of value.

20 (10) Provide and coordinate credit and noncredit  
21 extension courses in all fields which the university considers  
22 necessary to improve and maintain the educational standards of  
23 the university service area.

24 (11) Establish and maintain ~~Make rules necessary for~~  
25 ~~the establishment and maintenance of~~ a personnel exchange  
26 program, by which persons employed within the university as  
27 instructional and research faculty and comparable  
28 administrative and professional staff may be exchanged with  
29 persons employed in like capacities by institutions of higher  
30 learning which are not under the jurisdiction of the  
31 university, by units of government either within or without

1 | this state, or by private industry. The salary and benefits  
2 | of State University System and state personnel participating  
3 | in the exchange program shall be continued during the period  
4 | of time they participate in the exchange program, and such  
5 | personnel shall be deemed to have no break in creditable or  
6 | continuous state service or employment during the period of  
7 | time in which they participate in the exchange program. The  
8 | salary and benefits of persons participating in the personnel  
9 | exchange program who are employed by institutions of higher  
10 | learning which are not under the jurisdiction of the  
11 | university, by units of government either within or without  
12 | this state, or by private industry shall be paid by the  
13 | originating employers of those participants. The duties and  
14 | responsibilities of a person participating in the exchange  
15 | program shall be the same as those of the person he or she  
16 | replaces.

17 |       (12) Approve and execute contracts for the acquisition  
18 | of commodities, goods, equipment, services, leases of real and  
19 | personal property, and construction to be rendered to or by  
20 | the university, provided such contracts are made pursuant to  
21 | rules of the Board of Regents, are for the implementation of  
22 | approved programs of the university, and do not require  
23 | expenditures in excess of \$1 million. The acquisition may be  
24 | made by installment or lease-purchase contract. Such  
25 | contracts may provide for the payment of interest on the  
26 | unpaid portion of the purchase price. Notwithstanding any  
27 | other provisions of this subsection, university presidents  
28 | shall comply with the provisions of s. 287.055 for the  
29 | procurement of professional services and may approve and  
30 | execute all contracts for planning, construction, and  
31 | equipment for projects with building programs and construction

1 budgets approved by the Board of Regents. For the purposes of  
2 a university president's contracting authority, a "continuing  
3 contract" for professional services under the provisions of s.  
4 287.055 is one in which construction costs do not exceed \$1  
5 million or the fee for study activity does not exceed  
6 \$100,000.

7           (13) Use, maintain, protect, and control  
8 university-owned or university-controlled buildings and  
9 grounds, property and equipment, name, and trademarks and  
10 other proprietary marks, and the financial and other resources  
11 of the university. Such authority may include placing  
12 restrictions on commercial activity and on access to  
13 facilities, firearms, food, tobacco, alcoholic beverages,  
14 distribution of printed materials, animals, and sound. The  
15 authority vested in the university president under this  
16 subsection includes the authority to prioritize the use of  
17 university space, property, equipment, and resources and the  
18 authority to impose charges for the use of those items.

19 Furthermore, each university president has ~~Manage the property~~  
20 ~~and financial resources of the university, including, but not~~  
21 ~~limited to, having~~ the authority to adjust property records  
22 and dispose of state-owned tangible personal property in the  
23 university's custody in accordance with procedures established  
24 by the Board of Regents. Notwithstanding the provisions of s.  
25 273.055(5), all moneys received from the disposition of  
26 state-owned tangible personal property shall be retained by  
27 the university and disbursed for the acquisition of tangible  
28 personal property and for all necessary operating  
29 expenditures. The university shall maintain records of the  
30 accounts into which such moneys are deposited.

31

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

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

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

8           (17) Award degrees.

9           (18) Supervise all construction contracts.

10          ~~(19) Administer personnel programs established by the~~  
11 ~~Board of Regents and any applicable collective bargaining~~  
12 ~~agreements under the supervision of the Board of Regents.~~

13          (19)~~(20)~~ Recommend to the Board of Regents any fees  
14 applicable to the university and not otherwise prescribed by  
15 law.

16          (20)~~(21)~~ Organize the university to efficiently and  
17 effectively achieve the goals of the university; however, any  
18 reorganization which increases the number of administrators or  
19 their level of compensation shall be reviewed and approved by  
20 the Board of Regents.

21          (21)~~(22)~~ Review periodically the operations of the  
22 university in order to determine whether the rules and  
23 policies of the Board of Regents and the universities are  
24 being followed and to determine how effectively and  
25 efficiently the university is being administered.

26          (22)~~(23)~~ Otherwise provide for the effective operation  
27 of the university in the achievement of the goals established  
28 for it in the strategic plan adopted by the Board of Regents.

29          (23)~~(24)~~ ~~Adopt rules and~~ Enter into agreements for  
30 student exchange programs which involve students at the  
31 university and students in institutions of higher learning,

1 either within or without the state, which are not in the State  
2 University System. Such agreements may provide that the  
3 tuition and fees of a student who is enrolled in a university  
4 in the State University System and who is participating in an  
5 exchange program shall be paid to the state university during  
6 the period of time he or she is participating in the exchange  
7 program. Such agreements may also provide that the tuition  
8 and fees of a student who is enrolled in an institution which  
9 is not in the State University System and who is participating  
10 in an exchange program shall be paid to the nonstate  
11 institution in which he or she is enrolled.

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

15 (25) Provide for the use and protection of data and  
16 technology, including information systems, communication  
17 systems, computer hardware and software, and networks.

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

20 (27) Each university president is authorized to adopt  
21 rules to implement the provisions of this section.

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

24 240.229 Universities; powers; patents, copyrights, and  
25 trademarks.--Any other law to the contrary notwithstanding,  
26 each university is authorized, in its own name, to:

27 (6) Do all other acts necessary and proper for the  
28 execution of powers and duties herein conferred upon the  
29 university, including adopting rules, as necessary, in order  
30 to administer this section. Any proceeds therefrom shall be  
31 deposited and expended in accordance with s. 240.241. Any

1 action taken by the university in securing or exploiting such  
2 trademarks, copyrights, or patents shall, within 30 days, be  
3 reported in writing by the president to the Department of  
4 State.

5 Section 4. Section 240.233, Florida Statutes, is  
6 amended to read:

7 240.233 Universities; admissions of students.--Each  
8 university president is authorized to adopt rules governing  
9 the admission of students ~~shall govern admissions of students,~~  
10 subject to this section and rules of the Board of Regents.

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

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

16 (b) Each student have earned two credits of sequential  
17 foreign language at the secondary level or the equivalent of  
18 such instruction at the postsecondary level. A student whose  
19 native language is not English is exempt from this admissions  
20 requirement, provided that the student demonstrates  
21 proficiency in the native language. If a standardized test is  
22 not available in the student's native language for the  
23 demonstration of proficiency, the university may provide an  
24 alternative method of assessment. The State Board of  
25 Education shall adopt rules for the articulation of foreign  
26 language competency and equivalency between secondary and  
27 postsecondary institutions. A student who received an  
28 associate in arts degree prior to September 1, 1989, or who  
29 enrolled in a program of studies leading to an associate  
30 degree from a Florida community college prior to August 1,

31

1 1989, and maintains continuous enrollment shall be exempt from  
2 this admissions requirement.

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

23 (3)(a) Nonresident students may be admitted to the  
24 university upon such terms as the university may establish.  
25 However, such terms shall include, but shall not be limited  
26 to: completion of a secondary school curriculum which  
27 includes 4 years of English; 3 years each of mathematics,  
28 science, and social sciences; and 2 years of a foreign  
29 language.

30 (b) Within the admission standards provided for in  
31 subsection (1), the Board of Regents shall develop procedures



1 for weighting courses which are necessary to meet the  
2 requirements of a college-preparatory curriculum at a higher  
3 value than less rigorous courses. Credits received in such  
4 courses shall be given greater value in determining admission  
5 by universities than cumulative grade point averages in high  
6 school.

7 (4) Consideration shall be given to the past actions  
8 of any person applying for admission as a student to any state  
9 university, either as a new applicant, an applicant for  
10 continuation of studies, or a transfer student, when such  
11 actions have been found to disrupt or interfere with the  
12 orderly conduct, processes, functions, or programs of any  
13 other university, college, or community college.

14 (5) In any application for admission by a student as a  
15 citizen of the state, the applicant, if 18 years of age, or,  
16 if a minor, his or her parents or guardian shall make and file  
17 with such application a written statement under oath that such  
18 applicant is a citizen and resident of the state and entitled,  
19 as such, to admission upon the terms and conditions prescribed  
20 for citizens and residents of the state.

21 (6) Rules of the State Board of Education shall  
22 require the use of scores on tests of college-level  
23 communication and computation skills provided in s. 229.551 as  
24 a condition for admission of students to upper-division  
25 instructional programs from community colleges, including  
26 those who have been awarded associate in arts degrees. Use of  
27 such test scores as an admission requirement shall extend  
28 equally and uniformly to students enrolled in lower divisions  
29 in the State University System and to transfer students from  
30 other colleges and universities. The tests shall be required  
31 for community college students seeking associate in arts

1 degrees and students seeking admission to upper-division  
2 instructional programs in the State University System. The  
3 use of test scores prior to August 1, 1984, shall be limited  
4 to student counseling and curriculum improvement.

5 (7) For the purposes of this section, American sign  
6 language constitutes a foreign language. Florida high schools  
7 may offer American sign language as a for-credit elective or  
8 as a substitute for any already authorized foreign language  
9 requirement.

10 (8) A Florida resident who is denied admission as an  
11 undergraduate to a state university for failure to meet the  
12 high school grade point average requirement may appeal the  
13 decision to the university and request a recalculation of the  
14 grade point average including in the revised calculation the  
15 grades earned in up to three credits of advanced fine arts  
16 courses. The university shall provide the student with a  
17 description of the appeals process at the same time as  
18 notification of the admissions decision. The university shall  
19 recalculate the student's grade point average using the  
20 additional courses and advise the student of any changes in  
21 the student's admission status. For purposes of this section,  
22 fine arts courses include courses in music, drama, painting,  
23 sculpture, speech, debate, or a course in any art form that  
24 requires manual dexterity. Advanced level fine arts courses  
25 include fine arts courses identified in the course code  
26 directory as Advanced Placement, pre-International  
27 Baccalaureate, or International Baccalaureate, or fine arts  
28 courses taken in the third or fourth year of a fine arts  
29 curriculum.

30 Section 5. Subsection (17) is added to section  
31 240.241, Florida Statutes, to read:

1           240.241 Divisions of sponsored research at state  
2 universities.--

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

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

7           240.261 Codes of conduct;disciplinary measures;  
8 rulemaking authority rules.--

9           (1) Each university may adopt, by rule, codes of  
10 conduct and a uniform code of appropriate penalties for  
11 violations of rules by students and employees, to be  
12 administered by the ~~president of each~~ university. Such  
13 penalties, unless otherwise provided by law, may include:  
14 reprimand; restitution; fines; , the withholding of diplomas or  
15 transcripts pending compliance with rules, completion of any  
16 student judicial process or sanction, or payment of fines;  
17 restrictions on the use of or removal from university  
18 facilities; community service; educational requirements; and  
19 the imposition of probation, suspension, or dismissal, or  
20 expulsion.

21           (2) Each university may adopt, by rule, a code of  
22 conduct and appropriate penalties for violations of rules by  
23 student organizations, to be administered by the university.  
24 Such penalties, unless otherwise provided by law, may include:  
25 reprimand; restitution; suspension, cancellation, or  
26 revocation of the registration or official recognition of a  
27 student organization; and restrictions on the use of, or  
28 removal from, university facilities.

29           (3) Sanctions authorized by university codes of  
30 conduct may be imposed only for acts or omissions in violation  
31 of rules adopted by the university, including rules adopted

1 under this section, rules of the Board of Regents, county and  
2 municipal ordinances, and the laws of this state, the United  
3 States, or any other state.

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

20 (5)(2) The university shall adopt rules for the lawful  
21 discipline of any student, faculty member, or member of the  
22 administrative staff who intentionally acts to impair,  
23 interfere with, or obstruct the orderly conduct, processes,  
24 and functions of a state university. Said rules may apply to  
25 acts conducted on or off campus when relevant to such orderly  
26 conduct, processes, and functions.

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

29 240.291 Delinquent accounts.--

30 (4) Each university is authorized to adopt rules, as  
31 necessary, to implement the provisions of this section,

1 including setoff procedures, payroll deductions, and  
2 restrictions on release of transcripts, awarding of diplomas,  
3 and access to other university resources and services.

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

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6 \*\*\*\*\*

7 SENATE SUMMARY

8 Provides rulemaking authority to the Board of Regents,  
9 under s. 240.209, F.S.; to university presidents, under  
10 s. 240.227, F.S., relating to the operation and  
11 administration of universities; to the universities,  
12 under s. 240.229, F.S., relating to patents, copyrights,  
13 and trademarks; to university presidents, under s.  
14 240.233, F.S., relating to the admission of students; to  
15 university presidents, under s. 240.241, F.S., relating  
16 to divisions of sponsored research at state universities;  
17 to universities, under s. 240.261, F.S., relating to  
18 codes of conduct for university students and employees;  
19 to universities, under s. 240.291, F.S., relating to  
20 delinquent accounts.  
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