

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; authorizing  
6           the Board of Regents to implement a  
7           differential out-of-state tuition fee for  
8           certain universities; amending s. 240.227,  
9           F.S.; authorizing each university president to  
10          adopt rules implementing provisions of law  
11          governing the operation and administration of  
12          the university; providing for specific areas in  
13          which such authority is to be exercised;  
14          amending s. 240.229, F.S., relating to patents,  
15          copyrights, and trademarks; authorizing each  
16          university to adopt rules, as necessary, to  
17          carry out the powers and duties enumerated in  
18          this section; amending s. 240.233, F.S.;  
19          authorizing each university president to adopt  
20          rules governing the admission of students;  
21          amending s. 240.241, F.S., relating to  
22          divisions of sponsored research at state  
23          universities; authorizing each university  
24          president to adopt rules to implement this  
25          section; amending s. 240.261, F.S.; authorizing  
26          universities to adopt rules pertaining to codes  
27          of conduct, and penalties for violating such  
28          codes, for students and university employees;  
29          providing for rules and penalties relating to  
30          student academic honesty; amending s. 240.291,  
31          F.S., relating to delinquent accounts;

1 providing for each university to adopt rules to  
2 implement this section; providing an effective  
3 date.  
4

5 Be It Enacted by the Legislature of the State of Florida:  
6

7 Section 1. Section 240.209, Florida Statutes, is  
8 amended to read:

9 240.209 Board of Regents; powers and duties.--

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

21 (2) The Board of Regents shall appoint a Chancellor to  
22 serve at its pleasure who shall perform such duties as are  
23 assigned to him or her by the board. The board shall fix the  
24 compensation and other conditions of employment for the  
25 Chancellor. The board shall also provide for the compensation  
26 and other conditions of employment for employees necessary to  
27 assist the board and the Chancellor in the performance of  
28 their duties. The Chancellor shall be the chief administrative  
29 officer of the board and shall be responsible for appointing  
30 all employees of the board who shall serve under his or her  
31 direction and control. The Chancellor must be qualified by

1 training and experience to understand the problems and needs  
2 of the state in the field of postsecondary education. Search  
3 committee activities for the selection of the Chancellor up to  
4 the point of transmitting a list of nominees to the Board of  
5 Regents shall be confidential and exempt from the provisions  
6 of ss. 119.07(1) and 286.011.

7 (3) The board shall:

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

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

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

1           (d) Prepare the legislative budget requests, including  
2 fixed capital outlay requests, in accordance with chapter 216  
3 and s. 235.41. The board shall provide to the individual  
4 universities fiscal policy guidelines, formats, and  
5 instructions for the development of individual university  
6 budget requests.

7           (e) Establish student fees.

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

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1           2. When the appropriations act requires a new fee  
2 schedule, the board shall establish a systemwide standard fee  
3 schedule required to produce the total fee revenue established  
4 in the appropriations act based on the product of the assigned  
5 enrollment and the fee schedule. The board may approve the  
6 expenditure of any fee revenues resulting from the product of  
7 the fee schedule adopted pursuant to this section and the  
8 assigned enrollment.

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

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

4           ~~5.4.~~ The board is authorized to collect for financial  
5 aid purposes an amount not to exceed 5 percent of the student  
6 tuition and matriculation fee per credit hour. The revenues  
7 from fees are to remain at each campus and replace existing  
8 financial aid fees. Such funds shall be disbursed to students  
9 as quickly as possible. The board shall specify specific  
10 limits on the percent of the fees collected in a fiscal year  
11 which may be carried forward unexpended to the following  
12 fiscal year. A minimum of 50 percent of funds from the student  
13 financial aid fee shall be used to provide financial aid based  
14 on absolute need. A student who has received an award prior to  
15 July 1, 1984, shall have his or her eligibility assessed on  
16 the same criteria that was used at the time of his or her  
17 original award.

18           ~~6.5.~~ The board may recommend to the Legislature an  
19 appropriate systemwide standard matriculation and tuition fee  
20 schedule.

21           ~~7.6.~~ The Education and General Student and Other Fees  
22 Trust Fund is hereby created, to be administered by the  
23 Department of Education. Funds shall be credited to the trust  
24 fund from student fee collections and other miscellaneous fees  
25 and receipts. The purpose of the trust fund is to support the  
26 instruction and research missions of the State University  
27 System. Notwithstanding the provisions of s. 216.301, and  
28 pursuant to s. 216.351, any balance in the trust fund at the  
29 end of any fiscal year shall remain in the trust fund and  
30 shall be available for carrying out the purposes of the trust  
31 fund.

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

3           a. A nonrefundable application fee in an amount not to  
4 exceed \$30.

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

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

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

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

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

25           g. A fee for miscellaneous health-related charges for  
26 services provided at cost by the university health center  
27 which are not covered by the health fee set under s.  
28 240.235(1).

29           h. Materials and supplies fees to offset the cost of  
30 materials or supplies that are consumed in the course of the  
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1 student's instructional activities, excluding the cost of  
2 equipment replacement, repairs, and maintenance.

3 i. Housing rental rates and miscellaneous housing  
4 charges for services provided by the university at the request  
5 of the student.

6 j. A charge representing the reasonable cost of  
7 efforts to collect payment of overdue accounts.

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

10 l. A fee for off-campus course offerings when the  
11 location results in specific, identifiable increased costs to  
12 the university.

13 m. Library fees and fines, including charges for  
14 damaged and lost library materials, overdue reserve library  
15 books, interlibrary loans, and literature searches.

16 n. Fees relating to duplicating, photocopying,  
17 binding, and microfilming; copyright services; and  
18 standardized testing. These fees may be charged only to those  
19 who receive the services.

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

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

24 q. Traffic and parking fines, charges for parking  
25 decals, and transportation access fees.

26 r. An Educational Research Center for Child  
27 Development fee for child care and services offered by the  
28 center.

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

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1           (f) Establish and maintain systemwide personnel  
2 programs for all State University System employees, including  
3 a systemwide personnel classification and pay plan,  
4 notwithstanding provisions of law that grant authority to the  
5 Department of Management Services over such programs for state  
6 employees. The board shall consult with the legislative  
7 appropriations committees regarding any major policy changes  
8 related to classification and pay which are in conflict with  
9 those policies in effect for career service employees with  
10 similar job classifications and responsibilities. The board  
11 may adopt rules relating to the appointment, employment, and  
12 removal of personnel which delegate ~~delegating~~ its authority  
13 to the Chancellor or the universities. The board shall submit,  
14 in a manner prescribed by law, any reports concerning State  
15 University System personnel programs as shall be required of  
16 the Department of Management Services for other state  
17 employees. The Department of Management Services shall retain  
18 authority over State University System employees for programs  
19 established in ss. 110.116, 110.123, 110.1232, 110.1234,  
20 110.1235, and 110.1238 and in chapters 121, 122, and 238. The  
21 board shall adopt ~~only those~~ rules ~~necessary~~ to provide for a  
22 coordinated, efficient systemwide program and shall delegate  
23 to the universities ~~all~~ authority ~~necessary~~ for implementing  
24 ~~implementation of~~ the program consistent with these  
25 coordinating rules so adopted and applicable collective  
26 bargaining agreements. Notwithstanding the provisions of s.  
27 216.181(7), the salary rate controls for positions in budgets  
28 under the Board of Regents shall separately delineate the  
29 general faculty and all other categories.

30           (g) Develop a plan, to be mutually agreed upon by  
31 applicable bargaining units, for the transfer of employees

1 from career service status provisions of chapter 110. Subject  
2 to the approval of the President of the Senate and the Speaker  
3 of the House of Representatives, the plan shall become  
4 effective July 1, 1986.

5 (h) Recommend to the Legislature any proposed changes  
6 in the Capital Improvement Trust Fund and building fees. The  
7 Capital Improvement Trust Fund fee is established as \$2.44 per  
8 credit hour per semester. The building fee is established as  
9 \$2.32 per credit hour per semester.

10 (i) Terminate programs at the state universities  
11 pursuant to findings of reviews and evaluations of  
12 instructional, research, and service programs at the  
13 universities.

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

1           (k) Seek the cooperation and advice of the officers  
2 and trustees of both public and private institutions of higher  
3 education in the state in performing its duties and making its  
4 plans, studies, and recommendations.

5           (l) Coordinate and provide for educational television  
6 in the State University System.

7           (m) Establish and maintain an effective information  
8 system which will provide composite data about the university  
9 system and assure that special analyses and studies of the  
10 universities are conducted, as necessary, for provision of  
11 accurate and cost-effective information about the universities  
12 and about the system as a whole.

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

20           (o) Submit to the State Board of Education, for  
21 approval, all new campuses and instructional centers approved  
22 by the board.

23           (p) ~~Notwithstanding the provisions of ss. 216.044,~~  
24 ~~255.248, 255.249, 255.25, 255.28, 255.29, and 287.055, adopt~~  
25 ~~rules to~~ Administer a program for the maintenance and  
26 construction of facilities in the State University System and  
27 to secure, or otherwise provide as a self-insurer pursuant to  
28 s. 440.38(6), workers' compensation coverage for contractors  
29 and subcontractors, or each of them, employed by or on behalf  
30 of the Board of Regents when performing work on or adjacent to  
31

1 property owned or used by the Board of Regents or the State  
2 University System.

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

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

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

- 28 1. The number of applicants.
- 29 2. The number of applicants granted admission.
- 30 3. The number of applicants who are granted admission  
31 and enroll.

1           4. The number of applicants denied admission.

2           5. The number of applicants neither granted admission  
3 nor denied admission.

4  
5 Each category shall be reported for each term. Each category  
6 shall be reported by type of student, including the following  
7 subcategories: native student, community college associate in  
8 arts degree transfer student, and other student. Each  
9 category and subcategory shall further be reported according  
10 to the number of students who meet or exceed the minimum  
11 eligibility requirements for admission to the program and the  
12 number of students who do not meet or exceed the minimum  
13 eligibility requirements for admission to the program.

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

21           (u) Allow the waiver of any or all application, course  
22 registration, and related fees for persons who supervise  
23 student interns for institutions in the State University  
24 System.

25           (v) Manage systemwide enrollment.

26           (w) Establish policies relating to credit and  
27 non-credit education offerings by universities in the State  
28 University System.

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

31

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

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

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

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

16           (c) Coordinating the roles of the universities in  
17 order to best meet state needs and reflect cost-effective use  
18 of state resources.

19           (d) Advising the Legislature concerning opportunities  
20 for bonding university revenues, including certificate of  
21 participation bonds.

22           (e) Reviewing and approving or disapproving  
23 baccalaureate degree programs that exceed 120 semester hours,  
24 after consideration of accreditation requirements, employment  
25 and earnings of graduates, comparative program lengths  
26 nationally, and comparisons of similar programs offered by  
27 independent institutions. A two-thirds affirmative vote of the  
28 members of the Board of Regents must approve a request. By  
29 December 31 of each year, the Board of Regents must report to  
30 the Legislature any degrees in the State University System  
31 which require more than 120 hours, along with appropriate

1 evidence of need. At least every 5 years, the Board of  
2 Regents must determine whether the programs still require more  
3 than the standard length of 120 hours.

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

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

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

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

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

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

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

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

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

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

25           (c) This subsection is not intended to abrogate in any  
26 manner the authority delegated to the Board of Trustees of the  
27 Internal Improvement Trust Fund or the Division of State Lands  
28 to approve a contract for purchase of state lands or to  
29 require policies and procedures to obtain clear legal title to  
30 parcels purchased for state purposes. Title to property  
31



1 acquired by the board shall vest in the Board of Trustees of  
2 the Internal Improvement Trust Fund.

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

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

8 Section 2. Section 240.227, Florida Statutes, is  
9 amended to read:

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

15 (1) Have the authority to adopt rules pursuant to ss.  
16 120.536(1) and 120.54 to implement provisions of law governing  
17 the operation and administration of the university, which  
18 shall include the specific powers and duties enumerated in  
19 this section. Such rules shall be consistent with the mission  
20 of the university and statewide rules and policies and shall  
21 assist in the development of the university in a manner which  
22 will complement the missions and activities of the other  
23 universities for the overall purpose of achieving the highest  
24 quality of education for the citizens of the state.

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

29 (3) Develop an operating budget.

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

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

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

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

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

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

30           (10) Provide and coordinate credit and noncredit  
31 extension courses in all fields which the university considers

1 necessary to improve and maintain the educational standards of  
2 the university service area.

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

27           (12) Approve and execute contracts for the acquisition  
28 of commodities, goods, equipment, services, leases of real and  
29 personal property, and construction to be rendered to or by  
30 the university, provided such contracts are made pursuant to  
31 rules of the Board of Regents, are for the implementation of

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

17 (13) Use, maintain, protect, and control  
18 university-owned or university-controlled buildings and  
19 grounds, property and equipment, name, and trademarks and  
20 other proprietary marks, and the financial and other resources  
21 of the university. Such authority may include placing  
22 restrictions on commercial activity and on access to  
23 facilities, firearms, food, tobacco, alcoholic beverages,  
24 distribution of printed materials, animals, and sound. The  
25 authority vested in the university president under this  
26 subsection includes the authority to prioritize the use of  
27 university space, property, equipment, and resources and the  
28 authority to impose charges for the use of those items.  
29 ~~Furthermore, each university president has Manage the property~~  
30 ~~and financial resources of the university, including, but not~~  
31 ~~limited to, having~~ the authority to adjust property records

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

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

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

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

17 (17) Award degrees.

18 (18) Supervise all construction contracts.

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

22 (19)~~(20)~~ Recommend to the Board of Regents any fees  
23 applicable to the university and not otherwise prescribed by  
24 law.

25 (20)~~(21)~~ Organize the university to efficiently and  
26 effectively achieve the goals of the university; however, any  
27 reorganization which increases the number of administrators or  
28 their level of compensation shall be reviewed and approved by  
29 the Board of Regents.

30 (21)~~(22)~~ Review periodically the operations of the  
31 university in order to determine whether the rules and

1 policies of the Board of Regents and the universities are  
2 being followed and to determine how effectively and  
3 efficiently the university is being administered.

4 (22)~~(23)~~ Otherwise provide for the effective operation  
5 of the university in the achievement of the goals established  
6 for it in the strategic plan adopted by the Board of Regents.

7 (23)~~(24)~~ ~~Adopt rules and~~ Enter into agreements for  
8 student exchange programs which involve students at the  
9 university and students in institutions of higher learning,  
10 either within or without the state, which are not in the State  
11 University System. Such agreements may provide that the  
12 tuition and fees of a student who is enrolled in a university  
13 in the State University System and who is participating in an  
14 exchange program shall be paid to the state university during  
15 the period of time he or she is participating in the exchange  
16 program. Such agreements may also provide that the tuition  
17 and fees of a student who is enrolled in an institution which  
18 is not in the State University System and who is participating  
19 in an exchange program shall be paid to the nonstate  
20 institution in which he or she is enrolled.

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

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

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

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

31

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

3           240.229 Universities; powers; patents, copyrights, and  
4 trademarks.--Any other law to the contrary notwithstanding,  
5 each university is authorized, in its own name, to:

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

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

17           240.233 Universities; admissions of students.--Each  
18 university president is authorized to adopt rules governing  
19 the admission of students ~~shall govern admissions of students,~~  
20 subject to this section and rules of the Board of Regents.

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

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

26           (b) Each student have earned two credits of sequential  
27 foreign language at the secondary level or the equivalent of  
28 such instruction at the postsecondary level. A student whose  
29 native language is not English is exempt from this admissions  
30 requirement, provided that the student demonstrates  
31 proficiency in the native language. If a standardized test is

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

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



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

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

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

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

30           (6) Rules of the State Board of Education shall  
31 require the use of scores on tests of college-level

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

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

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

1 sculpture, speech, debate, or a course in any art form that  
2 requires manual dexterity. Advanced level fine arts courses  
3 include fine arts courses identified in the course code  
4 directory as Advanced Placement, pre-International  
5 Baccalaureate, or International Baccalaureate, or fine arts  
6 courses taken in the third or fourth year of a fine arts  
7 curriculum.

8 Section 5. Subsection (17) is added to section  
9 240.241, Florida Statutes, to read:

10 240.241 Divisions of sponsored research at state  
11 universities.--

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

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

16 240.261 Codes of conduct; disciplinary measures;  
17 rulemaking authority ~~rules~~.--

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

30 (2) Each university may adopt, by rule, a code of  
31 conduct and appropriate penalties for violations of rules by

1 student organizations, to be administered by the university.  
2 Such penalties, unless otherwise provided by law, may include:  
3 reprimand; restitution; suspension, cancellation, or  
4 revocation of the registration or official recognition of a  
5 student organization; and restrictions on the use of, or  
6 removal from, university facilities.

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

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

29 (5)(2) The university shall adopt rules for the lawful  
30 discipline of any student, faculty member, or member of the  
31 administrative staff who intentionally acts to impair,

1 interfere with, or obstruct the orderly conduct, processes,  
2 and functions of a state university. Said rules may apply to  
3 acts conducted on or off campus when relevant to such orderly  
4 conduct, processes, and functions.

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

7 240.291 Delinquent accounts.--

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

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

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