



340164

589-04452-10

Proposed Committee Substitute by the Committee on Higher
Education

1 A bill to be entitled
2 An act relating to postsecondary education; amending
3 s. 110.181, F.S.; conforming a cross-reference to
4 changes made by the act; amending ss. 112.19 and
5 112.191, F.S.; requiring the Board of Governors of the
6 State University System to adopt regulations rather
7 than rules to implement certain educational benefits;
8 amending s. 120.81, F.S.; providing that state
9 universities are not required to file certain
10 documents with the Administrative Procedures
11 Committee; amending s. 282.0041, F.S.; revising
12 definitions relating to information technology
13 services to conform to changes made by the act;
14 amending s. 282.703, F.S.; revising provisions
15 relating to the participation of state universities in
16 the SUNCOM Network; amending s. 282.706, F.S.;
17 revising provisions relating to the use of the SUNCOM
18 Network by state university libraries; amending s.
19 287.064, F.S.; conforming a cross-reference to changes
20 made by the act; amending s. 1000.05, F.S.; requiring
21 the Board of Governors to adopt regulations rather
22 than rules relating to discrimination; amending s.
23 1001.705, F.S.; revising provisions relating to
24 responsibility for the State University System under
25 the State Constitution; deleting legislative findings
26 and intent; providing the constitutional duties of the
27 Board of Governors; providing the constitutional



340164

589-04452-10

28 duties of the Legislature; deleting a duty relating to
29 the participation of state universities in the SUNCOM
30 Network; amending s. 1001.706, F.S.; revising powers
31 and duties of the Board of Governors; providing that
32 the Board of Governors has the authority to regulate
33 the State University System and may adopt a regulation
34 development procedure for the board and university
35 boards of trustees to use in implementing their
36 constitutional duties and responsibilities;
37 authorizing the Board of Governors or its designee to
38 adopt regulations; providing requirements for the
39 regulation development procedure; revising the Board
40 of Governors' powers and duties relating to
41 accountability and personnel; providing legislative
42 intent that the Board of Governors align the missions
43 of universities with certain factors; providing
44 requirements for a mission alignment and strategic
45 plan; affording opportunities to certain universities;
46 amending s. 1001.72, F.S.; providing that the board of
47 trustees is the university's contracting agent;
48 creating s. 1004.015, F.S.; creating the Higher
49 Education Coordinating Council; providing for
50 membership; providing guiding principles for council
51 recommendations to the Legislature, State Board of
52 Education, and Board of Governors; amending s.
53 1004.03, F.S.; revising provisions relating to review
54 and approval of new programs at state universities by
55 the Board of Governors; requiring an annual report of
56 the review of proposed new programs; eliminating the



340164

589-04452-10

57 requirement that certain programs be approved by the
58 Legislature; amending s. 1004.07, F.S.; requiring the
59 Board of Governors to adopt regulations rather than
60 rules relating to student withdrawal from courses due
61 to military service; amending s. 1006.54, F.S.;
62 requiring university boards of trustees to adopt
63 regulations rather than rules relating to documents
64 distributed to libraries; amending s. 1006.60, F.S.;
65 revising provisions relating to state university codes
66 of conduct to authorize the adoption of regulations
67 rather than rules; amending s. 1006.65, F.S.;
68 requiring the Board of Governors to adopt regulations
69 rather than rules relating to safety issues in courses
70 offered by state universities; amending ss. 1007.264
71 and 1007.265, F.S.; requiring the Board of Governors
72 to adopt regulations rather than rules relating to
73 admission and graduation requirements for students
74 with disabilities; amending s. 1009.24, F.S.;
75 reorganizing certain provisions of law relating to
76 state university student fees; authorizing the Board
77 of Governors to approve flexible tuition policies
78 requested by a university board of trustees; providing
79 that certain fees be based on reasonable costs of
80 services and used for certain purposes; authorizing
81 the Board of Governors to approve a proposal from a
82 university board of trustees to establish a new
83 student fee, increase the cap for an existing fee, or
84 implement flexible tuition policies; providing
85 guidelines for review of proposals; requiring an



340164

589-04452-10

86 annual report; prohibiting certain fees from exceeding
87 a specified amount, being included in certain
88 scholarship awards, and being used for certain
89 purposes; requiring a fee committee to make
90 recommendations relating to a new fee; providing
91 restrictions on fee increases; requiring the Board of
92 Governors to adopt regulations; amending s. 1009.26,
93 F.S.; requiring the Board of Governors to adopt
94 regulations rather than rules relating to fee waivers;
95 amending s. 1010.04, F.S.; providing that the Board of
96 Governors shall adopt regulations rather than rules
97 for purchases and leases; amending s. 1010.62, F.S.;
98 defining the term "auxiliary enterprise" for purposes
99 of revenue bonds and debt; amending s. 1011.43, F.S.;
100 requiring university boards of trustees to adopt
101 regulations rather than rules for administration of
102 certain scholarships and loans; amending s. 1011.90,
103 F.S.; revising provisions relating to management
104 information maintained by the Board of Governors;
105 amending s. 1013.02, F.S.; requiring the Board of
106 Governors to adopt regulations rather than rules to
107 implement provisions of law relating to educational
108 facilities; amending s. 1013.10, F.S.; providing for
109 university board of trustee regulations for the use of
110 educational buildings and grounds; amending ss.
111 1013.12 and 1013.28, F.S.; requiring the Board of
112 Governors to adopt regulations rather than rules
113 relating to firesafety inspections and disposal of
114 real property; amending s. 1013.30, F.S.; requiring



340164

589-04452-10

115 the Board of Governors to adopt regulations rather
116 than rules relating to university campus master plans;
117 amending s. 1013.31, F.S.; requiring the Board of
118 Governors to adopt regulations rather than rules for
119 determining facility space needs; amending s. 1013.47,
120 F.S.; requiring the Board of Governors to adopt
121 regulations rather than rules relating to building
122 standards; amending s. 1013.74, F.S.; authorizing the
123 Board of Governors to adopt regulations rather than
124 rules relating to authorization for fixed capital
125 outlay projects; repealing s. 1001.74, F.S., relating
126 to powers and duties of university boards of trustees;
127 repealing s. 1004.21, F.S., relating to general
128 provisions for state universities; repealing s.
129 1004.22(13), F.S., relating to rulemaking by a
130 university board of trustees with respect to divisions
131 of sponsored research; repealing s. 1004.38, F.S.,
132 relating to the master of science program in speech-
133 language pathology at Florida International
134 University; repealing s. 1004.381, F.S., relating to
135 the bachelor of science nursing degree program at the
136 University of West Florida; repealing s. 1004.3811,
137 F.S., relating to the master of science degree
138 programs in nursing and social work at the University
139 of West Florida; repealing s. 1004.382, F.S., relating
140 to the master's in social work program at Florida
141 Atlantic University; repealing s. 1004.383, F.S.,
142 relating to a chiropractic medicine degree program at
143 Florida State University; repealing s. 1004.386, F.S.,



340164

589-04452-10

144 relating to a bachelor of science degree program in
145 long-term care administration at Florida Gulf Coast
146 University; repealing s. 1004.64, F.S., relating to
147 the School of Engineering at Florida Gulf Coast
148 University and specified bachelor's degrees; providing
149 legislative intent for the repeal of certain sections;
150 requiring each state university to identify and submit
151 to the Board of Governors a list of certain rules that
152 have been superseded by regulations; providing for
153 submission of such rules and certain rules of the
154 Board of Governors to the Department of State;
155 authorizing the Department of State to remove rules
156 from the Florida Administrative Code; providing an
157 effective date.

158

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

160

161 Section 1. Subsection (5) of section 110.181, Florida
162 Statutes, is amended to read:

163 110.181 Florida State Employees' Charitable Campaign.—

164 (5) PARTICIPATION OF STATE UNIVERSITIES.—Each university
165 may elect to participate in the Florida State Employees'
166 Charitable Campaign, upon timely notice to the department. Each
167 university may also conduct annual charitable fundraising drives
168 for employees under the authority granted in s. ~~ss.~~ 1001.706 and
169 1001.74.

170 Section 2. Subsection (5) of section 112.19, Florida
171 Statutes, is amended to read:

172 112.19 Law enforcement, correctional, and correctional



340164

589-04452-10

173 probation officers; death benefits.-

174 (5) The State Board of Education ~~or the Board of Governors,~~
175 ~~as appropriate,~~ shall adopt rules and procedures, and the Board
176 of Governors shall adopt regulations and procedures, as are
177 appropriate and necessary to implement the educational benefits
178 provisions of this section.

179 Section 3. Subsection (5) of section 112.191, Florida
180 Statutes, is amended to read:

181 112.191 Firefighters; death benefits.-

182 (5) The State Board of Education ~~or the Board of Governors,~~
183 ~~as appropriate,~~ shall adopt rules and procedures, and the Board
184 of Governors shall adopt regulations and procedures, as are
185 appropriate and necessary to implement the educational benefits
186 provisions of this section.

187 Section 4. Paragraph (e) of subsection (1) of section
188 120.81, Florida Statutes, is amended to read:

189 120.81 Exceptions and special requirements; general areas.-

190 (1) EDUCATIONAL UNITS.-

191 (e) Educational units, other than ~~the state universities~~
192 ~~and~~ the Florida School for the Deaf and the Blind, shall not be
193 required to make filings with the committee of the documents
194 required to be filed by s. 120.54 or s. 120.55(1)(a)4.

195 Section 5. Subsections (1) and (26) of section 282.0041,
196 Florida Statutes, are amended to read:

197 282.0041 Definitions.-As used in this chapter, the term:

198 (1) "Agency" has the same meaning as in s. 216.011(1)(qq),
199 except that for purposes of this chapter, "agency" does not
200 include university boards of trustees or state universities.

201 (26) "Total cost" means all costs associated with



340164

589-04452-10

202 information technology projects or initiatives, including, but
203 not limited to, value of hardware, software, service,
204 maintenance, incremental personnel, and facilities. Total cost
205 of a loan or gift of information technology resources to an
206 agency includes the fair market value of the resources; ~~however,~~
207 ~~the total cost of loans or gifts of information technology to~~
208 ~~state universities to be used in instruction or research does~~
209 ~~not include fair market value.~~

210 Section 6. Subsections (1) and (3) of section 282.703,
211 Florida Statutes, are amended, and subsection (4) is added to
212 that section, to read:

213 282.703 SUNCOM Network; exemptions from the required use.-

214 (1) There is created within the department the SUNCOM
215 Network, which shall be developed to serve as the state
216 communications system for providing local and long-distance
217 communications services to state agencies, political
218 subdivisions of the state, municipalities, ~~state universities,~~
219 and nonprofit corporations pursuant to this part. The SUNCOM
220 Network shall be developed to transmit all types of
221 communications signals, including, but not limited to, voice,
222 data, video, image, and radio. State agencies shall cooperate
223 and assist in the development and joint use of communications
224 systems and services.

225 (3) All state agencies ~~and state universities~~ shall use the
226 SUNCOM Network for agency ~~and state university~~ communications
227 services as the services become available; however, no agency ~~or~~
228 ~~university~~ is relieved of responsibility for maintaining
229 communications services necessary for effective management of
230 its programs and functions. The department may provide such



340164

589-04452-10

231 communications services to a state university if requested by
232 the university. If a SUNCOM Network service does not meet the
233 communications requirements of an agency ~~or university~~, the
234 agency ~~or university~~ shall notify the department in writing and
235 detail the requirements for that communications service. If the
236 department is unable to meet an agency's ~~or university's~~
237 requirements by enhancing SUNCOM Network service, the department
238 may grant the agency ~~or university~~ an exemption from the
239 required use of specified SUNCOM Network services.

240 (4) This section may not be construed to require a state
241 university to use SUNCOM Network communication services.

242 Section 7. Section 282.706, Florida Statutes, is amended to
243 read:

244 282.706 Use of SUNCOM Network by libraries.—The department
245 may provide SUNCOM Network services to any library in the state,
246 including libraries in public schools, community colleges, state
247 universities, and nonprofit private postsecondary educational
248 institutions, and libraries owned and operated by municipalities
249 and political subdivisions. This section may not be construed to
250 require a state university library to use SUNCOM Network
251 services.

252 Section 8. Subsection (1) of section 287.064, Florida
253 Statutes, is amended to read:

254 287.064 Consolidated financing of deferred-payment
255 purchases.—

256 (1) The Division of Bond Finance of the State Board of
257 Administration and the Chief Financial Officer shall plan and
258 coordinate deferred-payment purchases made by or on behalf of
259 the state or its agencies or by or on behalf of state



340164

589-04452-10

260 universities or state community colleges participating under
261 this section pursuant to s. 1001.706(7) ~~s. 1001.74(6)~~ or s.
262 1001.64(26), respectively. The Division of Bond Finance shall
263 negotiate and the Chief Financial Officer shall execute
264 agreements and contracts to establish master equipment financing
265 agreements for consolidated financing of deferred-payment,
266 installment sale, or lease purchases with a financial
267 institution or a consortium of financial institutions. As used
268 in this act, the term "deferred-payment" includes installment
269 sale and lease-purchase.

270 (a) The period during which equipment may be acquired under
271 any one master equipment financing agreement shall be limited to
272 not more than 3 years.

273 (b) Repayment of the whole or a part of the funds drawn
274 pursuant to the master equipment financing agreement may
275 continue beyond the period established pursuant to paragraph
276 (a).

277 (c) The interest rate component of any master equipment
278 financing agreement shall be deemed to comply with the interest
279 rate limitation imposed in s. 287.063 so long as the interest
280 rate component of every interagency, state university, or
281 community college agreement entered into under such master
282 equipment financing agreement complies with the interest rate
283 limitation imposed in s. 287.063. Such interest rate limitation
284 does not apply when the payment obligation under the master
285 equipment financing agreement is rated by a nationally
286 recognized rating service in any one of the three highest
287 classifications, which rating services and classifications are
288 determined pursuant to rules adopted by the Chief Financial



340164

589-04452-10

289 Officer.

290 Section 9. Paragraph (b) of subsection (5) of section
291 1000.05, Florida Statutes, is amended to read:

292 1000.05 Discrimination against students and employees in
293 the Florida K-20 public education system prohibited; equality of
294 access required.—

295 (5)

296 (b) The Board of Governors shall adopt regulations ~~rules~~ to
297 implement this section as it relates to state universities.

298 Section 10. Section 1001.705, Florida Statutes, is amended
299 to read:

300 1001.705 Responsibility for the State University System
301 under s. 7, Art. IX of the State Constitution; ~~legislative~~
302 ~~finding and intent.~~—

303 ~~(1) LEGISLATIVE FINDINGS.—~~

304 (1) ~~(a)~~ DEFINITIONS.—For purposes of this act, the term:

305 (a) ~~1.~~ "Board of Governors" as it relates to the State
306 University System and as used in s. 7, Art. IX of the State
307 Constitution and Title XLVIII and other sections of the Florida
308 Statutes is the Board of Governors of the State University
309 System which belongs to and is part of the executive branch of
310 state government.

311 (b) ~~2.~~ "Institutions of higher learning" as used in the
312 State Constitution and the Florida Statutes includes publicly
313 funded state universities.

314 (c) ~~3.~~ "Public officer" as used in the Florida Statutes
315 includes members of the Board of Governors.

316 (d) ~~4.~~ "State university" or "state universities" as used in
317 the State Constitution and the Florida Statutes are agencies of



340164

589-04452-10

318 the state which belong to and are part of the executive branch
319 of state government. This definition of state universities as
320 state agencies is only for the purposes of the delineation of
321 constitutional lines of authority. Statutory exemptions for
322 state universities from statutory provisions relating to state
323 agencies that are in effect on the effective date of this act
324 remain in effect and are not repealed by virtue of this
325 definition of state universities.

326 ~~(2)(b)~~ CONSTITUTIONAL DUTIES OF THE BOARD OF GOVERNORS OF
327 THE STATE UNIVERSITY SYSTEM.—In accordance with s. 7, Art. IX of
328 the State Constitution, the Board of Governors of the State
329 University System has the duty to operate, regulate, control,
330 and be fully responsible for the management of the whole
331 publicly funded State University System and the board, or the
332 board's designee, has responsibility for:

333 ~~(a)1.~~ Defining the distinctive mission of each constituent
334 university.

335 ~~(b)2.~~ Defining the articulation of each constituent
336 university in conjunction with the Legislature's authority over
337 the public schools and community colleges.

338 ~~(c)3.~~ Ensuring the well-planned coordination and operation
339 of the State University System.

340 ~~(d)4.~~ Avoiding wasteful duplication of facilities or
341 programs within the State University System.

342 ~~(e)5.~~ Accounting for expenditure of funds appropriated by
343 the Legislature for the State University System as provided by
344 law.

345 ~~(f)6.~~ Submitting a budget request for legislative
346 appropriations for the institutions under the supervision of the



340164

589-04452-10

347 board as provided by law.

348 ~~(g)7.~~ Adopting strategic plans for the State University
349 System and each constituent university.

350 ~~(h)8.~~ Approving, reviewing, and terminating degree programs
351 of the State University System.

352 ~~(i)9.~~ Governing admissions to the state universities.

353 ~~(j)10.~~ Serving as the public employer to all public
354 employees of state universities for collective bargaining
355 purposes.

356 ~~(k)11.~~ Establishing a personnel system for all state
357 university employees; however, the Department of Management
358 Services shall retain authority over state university employees
359 for programs established in ss. 110.123, 110.1232, 110.1234,
360 110.1238, and 110.161, and in chapters 121, 122, and 238.

361 ~~(l)12.~~ Complying with, and enforcing for institutions under
362 the board's jurisdiction, all applicable local, state, and
363 federal laws.

364 ~~(3)(e)~~ CONSTITUTIONAL DUTIES OF THE LEGISLATURE.—In
365 accordance with s. 3, Art. II of the State Constitution, which
366 establishes the separation of powers of three branches of
367 government; s. 1, Art. III of the State Constitution, which
368 vests the legislative power of the state in the Legislature; s.
369 8, Art. III of the State Constitution, which provides the
370 exclusive executive veto power of the Governor and the exclusive
371 veto override power of the Legislature; s. 19, Art. III of the
372 State Constitution, which requires the Legislature to enact
373 state planning and budget processes and requirements for budget
374 requests by general law; s. 1, Art. VII of the State
375 Constitution, which requires that the authority to expend state



340164

589-04452-10

376 funds be by general law enacted by the Legislature; and s. 1,
377 Art. IX of the State Constitution, which requires the
378 Legislature to make adequate provision by law for the
379 "establishment, maintenance, and operation of institutions of
380 higher learning," the Legislature has the following
381 responsibilities:

382 (a)1. Making provision by law for the establishment,
383 maintenance, and operation of institutions of higher learning
384 and other public education programs that the needs of the people
385 may require.

386 (b)2. Appropriating all state funds through the General
387 Appropriations Act or other law.

388 (c)3. Establishing tuition and fees.

389 (d)4. Establishing policies relating to merit and need-
390 based student financial aid.

391 (e)5. Establishing policies relating to expenditure of,
392 accountability for, and management of funds appropriated by the
393 Legislature or revenues authorized by the Legislature. This
394 includes, but is not limited to, policies relating to:
395 budgeting; deposit of funds; investments; accounting;
396 purchasing, procurement, and contracting; insurance; audits;
397 maintenance and construction of facilities; property; bond
398 financing; leasing; and information reporting.

399 (f)6. Maintaining the actuarial and fiscal soundness of
400 centrally administered state systems by requiring state
401 universities to continue to participate in programs such as the
402 Florida Retirement System, the state group health insurance
403 programs, ~~the state telecommunications and data network~~
404 ~~(SUNCOM),~~ and the state casualty insurance program.



340164

589-04452-10

405 (g)7. Establishing and regulating the use of state powers
406 and protections, including, but not limited to, eminent domain,
407 certified law enforcement, and sovereign immunity.

408 (h)8. Establishing policies relating to the health, safety,
409 and welfare of students, employees, and the public while present
410 on the campuses of institutions of higher learning.

411 ~~(2) LEGISLATIVE INTENT. It is the intent of the Legislature~~
412 ~~to reenact laws relating to the Board of Governors of the State~~
413 ~~University System, the university boards of trustees, the State~~
414 ~~Board of Education, and the postsecondary education system in~~
415 ~~accordance with the findings of this act.~~

416 Section 11. Section 1001.706, Florida Statutes, is amended
417 to read:

418 1001.706 Powers and duties of the Board of Governors.—

419 (1) GENERAL PROVISIONS.—

420 ~~(a)~~ For each constituent university, the Board of
421 Governors, or the board's designee, shall be responsible for
422 cost-effective policy decisions appropriate to the university's
423 mission, the implementation and maintenance of high-quality
424 education programs within law, the measurement of performance,
425 the reporting of information, and the provision of input
426 regarding state policy, budgeting, and education standards.

427 (2) REGULATORY AUTHORITY.—

428 (a) Pursuant to s. 7, Art. IX of the State Constitution,
429 the Board of Governors has the authority to regulate the State
430 University System and may adopt a regulation development
431 procedure for the Board of Governors and the university boards
432 of trustees to use in implementing their constitutional duties
433 and responsibilities.



340164

589-04452-10

434 (b) The Board of Governors shall be subject to the
435 provisions of ~~adopt rules pursuant to~~ chapter 120 when acting
436 pursuant to statutory authority derived from the Legislature,
437 except that- the Board of Governors may adopt regulations if
438 expressly authorized or required by law ~~rules pursuant to~~
439 chapter 120 when exercising the powers, duties, and authority
440 granted by s. 7, Art. IX of the State Constitution. Such
441 regulations must be adopted pursuant to a development procedure
442 that complies with paragraph (c). If the Board of Governors
443 delegates a power or duty to a university board of trustees as
444 the designee, the authority to adopt rules or regulations is
445 included in the delegation. If the Board of Governors delegates
446 a statutory power or duty to a university board of trustees, the
447 university board of trustees shall be subject to the provisions
448 of chapter 120 but may adopt regulations to the same extent as
449 the Board of Governors under this subsection.

450 (c) The development procedure for regulations authorized or
451 required by law must provide for notice to the public of, and an
452 opportunity for public comment on, the proposed adoption,
453 amendment, or repeal of a regulation; a process for a
454 substantially affected person to challenge a statement of
455 general applicability that has not been properly adopted as a
456 regulation; a process for a substantially affected person to
457 challenge an unlawful regulation; and a process for the adoption
458 of and challenges to emergency regulations that are necessary to
459 protect the public interest in the emergency. The regulation
460 development procedure shall be published prominently on the
461 websites of the Board of Governors and the state universities.

462 (3)-(2) POWERS AND DUTIES RELATING TO ORGANIZATION AND



340164

589-04452-10

463 OPERATION OF STATE UNIVERSITIES.—

464 (a) The Board of Governors, or the board's designee, shall
465 develop guidelines and procedures related to data and
466 technology, including information systems, communications
467 systems, computer hardware and software, and networks.

468 (b) The Board of Governors shall develop guidelines
469 relating to divisions of sponsored research, pursuant to the
470 provisions of s. 1004.22, to serve the function of
471 administration and promotion of the programs of research.

472 (c) The Board of Governors shall prescribe conditions for
473 direct-support organizations and university health services
474 support organizations to be certified and to use university
475 property and services. Conditions relating to certification must
476 provide for audit review and oversight by the Board of
477 Governors.

478 (d) The Board of Governors shall develop guidelines for
479 supervising faculty practice plans for the academic health
480 science centers.

481 (e) The Board of Governors shall ensure that students at
482 state universities have access to general education courses as
483 provided in the statewide articulation agreement, pursuant to s.
484 1007.23.

485 (f) The Board of Governors shall approve baccalaureate
486 degree programs that require more than 120 semester credit hours
487 of coursework prior to such programs being offered by a state
488 university. At least half of the required coursework for any
489 baccalaureate degree must be offered at the lower-division
490 level, except in program areas approved by the Board of
491 Governors.



340164

589-04452-10

492 (g) The Board of Governors, or the board's designee, shall
493 adopt a written antihazing policy, appropriate penalties for
494 violations of such policy, and a program for enforcing such
495 policy.

496 (h) The Board of Governors, or the board's designee, may
497 establish a uniform code of conduct and appropriate penalties
498 for violations of its regulations ~~rules~~ by students and student
499 organizations, including regulations ~~rules~~ governing student
500 academic honesty. Such penalties, unless otherwise provided by
501 law, may include reasonable fines, the withholding of diplomas
502 or transcripts pending compliance with regulations ~~rules~~ or
503 payment of fines, and the imposition of probation, suspension,
504 or dismissal.

505 (4) ~~(3)~~ POWERS AND DUTIES RELATING TO FINANCE.—

506 (a) The Board of Governors, or the board's designee, shall
507 account for expenditures of all state, local, federal, and other
508 funds. Such accounting systems shall have appropriate audit and
509 internal controls in place that will enable the constituent
510 universities to satisfactorily and timely perform all accounting
511 and reporting functions required by state and federal law and
512 rules.

513 (b) The Board of Governors shall prepare the legislative
514 budget requests for the State University System, including a
515 request for fixed capital outlay, and submit them to the State
516 Board of Education for inclusion in the K-20 legislative budget
517 request. The Board of Governors shall provide the state
518 universities with fiscal policy guidelines, formats, and
519 instruction for the development of individual university budget
520 requests.



340164

589-04452-10

521 (c) The Board of Governors, or the board's designee, shall
522 establish tuition and fees pursuant to ss. 1009.24 and 1009.26.

523 (d) The Board of Governors, or the board's designee, is
524 authorized to secure comprehensive general liability insurance
525 pursuant to s. 1004.24.

526 (5) ~~(4)~~ POWERS AND DUTIES RELATING TO ACCOUNTABILITY.-

527 (a) The Legislature intends that the Board of Governors
528 shall align the missions of each constituent university with the
529 academic success of its students; the national reputation of its
530 faculty and its academic and research programs; the quantity of
531 externally generated research, patents, and licenses; and the
532 strategic and accountability plans required in paragraphs (b)
533 and (c). The mission alignment and strategic plan shall consider
534 peer institutions at the constituent universities. The mission
535 alignment and strategic plan shall acknowledge that universities
536 that have a national and international impact have the greatest
537 capacity to promote the state's economic development through:
538 new discoveries, patents, licenses, and technologies that
539 generate state businesses of global importance; research
540 achievements through external grants and contracts that are
541 comparable to nationally recognized and ranked universities; the
542 creation of a resource rich academic environment that attracts
543 high-technology business and venture capital to the state; and
544 this generation's finest minds focusing on solving the state's
545 economic, social, environmental, and legal problems in the areas
546 of life sciences, water, sustainability, energy, and health
547 care. A nationally recognized and ranked university that has a
548 global perspective and impact shall be afforded the opportunity
549 to enable and protect the university's competitiveness on the



340164

589-04452-10

550 global stage in fair competition with other institutions of
551 other states in the highest Carnegie Classification.

552 (b)~~(a)~~ The Board of Governors shall develop a strategic
553 plan specifying goals and objectives for the State University
554 System and each constituent university.

555 (c)~~(b)~~ The Board of Governors shall develop an
556 accountability plan for the State University System and each
557 constituent university.

558 (d)~~(c)~~ The Board of Governors shall maintain an effective
559 information system to provide accurate, timely, and cost-
560 effective information about each university. The board shall
561 continue to collect and maintain, at a minimum, ~~the~~ management
562 information ~~databases~~ as such information databases existed on
563 June 30, 2002.

564 (e)~~(d)~~ If the Board of Governors of the State University
565 System determines that a state university board of trustees is
566 unwilling or unable to address substantiated allegations made by
567 any person relating to waste, fraud, or financial mismanagement
568 within the state university, the Office of the Inspector General
569 shall investigate the allegations.

570 (6)~~(5)~~ POWERS AND DUTIES RELATING TO PERSONNEL.—

571 (a) The Board of Governors, or the board's designee, shall
572 establish the personnel program for all employees of a state
573 university except that the Board of Governors shall confirm the
574 presidential selection by a university board of trustees as a
575 means of acknowledging that system cooperation is expected ~~the~~
576 president.

577 (b) The Department of Management Services shall retain
578 authority over state university employees for programs



340164

589-04452-10

579 established in ss. 110.123, 110.1232, 110.1234, 110.1238, and
580 110.161 and in chapters 121, 122, and 238. Unless specifically
581 authorized by law, neither the Board of Governors nor a state
582 university may offer group insurance programs for employees as a
583 substitute for or as an alternative to the health insurance
584 programs offered pursuant to chapter 110.

585 (c) Except as otherwise provided by law, university
586 employees are public employees for purposes of chapter 112 and
587 any payment for travel and per diem expenses shall not exceed
588 the level specified in s. 112.061.

589 (d) The Board of Governors, or the board's designee, may
590 not enter into an employment contract that requires it ~~the board~~
591 to pay an employee an amount from state funds in excess of 1
592 year of the employee's annual salary for termination, buyout, or
593 any other type of contract settlement. This paragraph does not
594 prohibit the payment of leave and benefits accrued by the
595 employee in accordance with the board's or designee's leave and
596 benefits policies before the contract terminates.

597 (7) ~~(6)~~ POWERS AND DUTIES RELATING TO PROPERTY.—

598 (a) The Board of Governors shall develop guidelines for
599 university boards of trustees relating to the acquisition of
600 real and personal property and the sale and disposal thereof and
601 the approval and execution of contracts for the purchase, sale,
602 lease, license, or acquisition of commodities, goods, equipment,
603 contractual services, leases of real and personal property, and
604 construction. The acquisition may include purchase by
605 installment or lease-purchase. Such contracts may provide for
606 payment of interest on the unpaid portion of the purchase price.
607 Title to all real property acquired prior to January 7, 2003,



340164

589-04452-10

608 and to all real property acquired with funds appropriated by the
609 Legislature shall be vested in the Board of Trustees of the
610 Internal Improvement Trust Fund and shall be transferred and
611 conveyed by it. Notwithstanding any other provisions of this
612 subsection, each board of trustees shall comply with the
613 provisions of s. 287.055 for the procurement of professional
614 services as defined therein. Any acquisition pursuant to this
615 paragraph is subject to the provisions of s. 1010.62.

616 (b) The Board of Governors shall develop guidelines for
617 university boards of trustees relating to the use, maintenance,
618 protection, and control of university-owned or university-
619 controlled buildings and grounds, property and equipment, name,
620 trademarks and other proprietary marks, and the financial and
621 other resources of the university. Such authority may include
622 placing restrictions on activities and on access to facilities,
623 firearms, food, tobacco, alcoholic beverages, distribution of
624 printed materials, commercial solicitation, animals, and sound.
625 The authority provided the board of trustees in this subsection
626 includes the prioritization of the use of space, property,
627 equipment, and resources and the imposition of charges for those
628 items.

629 (c) The Board of Governors, or the board's designee, shall
630 administer a program for the maintenance and construction of
631 facilities pursuant to chapter 1013.

632 (d) The Board of Governors, or the board's designee, shall
633 ensure compliance with the provisions of s. 287.09451 for all
634 procurement and ss. 255.101 and 255.102 for construction
635 contracts, and rules adopted pursuant thereto, relating to the
636 utilization of minority business enterprises, except that



340164

589-04452-10

637 procurements costing less than the amount provided for in
638 CATEGORY FIVE as provided in s. 287.017 shall not be subject to
639 s. 287.09451.

640 (e) Notwithstanding the provisions of s. 253.025 but
641 subject to the provisions of s. 1010.62, the Board of Governors,
642 or the board's designee, may, with the consent of the Board of
643 Trustees of the Internal Improvement Trust Fund, sell, convey,
644 transfer, exchange, trade, or purchase real property and related
645 improvements necessary and desirable to serve the needs and
646 purposes of the university.

647 1. The Board of Governors, or the board's designee, may
648 secure appraisals and surveys. The Board of Governors, or the
649 board's designee, shall comply with the rules of the Board of
650 Trustees of the Internal Improvement Trust Fund in securing
651 appraisals. Whenever the Board of Governors, or the board's
652 designee, finds it necessary for timely property acquisition, it
653 may contract, without the need for competitive selection, with
654 one or more appraisers whose names are contained on the list of
655 approved appraisers maintained by the Division of State Lands in
656 the Department of Environmental Protection.

657 2. The Board of Governors, or the board's designee, may
658 negotiate and enter into an option contract before an appraisal
659 is obtained. The option contract must state that the final
660 purchase price may not exceed the maximum value allowed by law.
661 The consideration for such an option contract may not exceed 10
662 percent of the estimate obtained by the Board of Governors, or
663 the board's designee, or 10 percent of the value of the parcel,
664 whichever is greater, unless otherwise authorized by the Board
665 of Governors or the board's designee.



340164

589-04452-10

666 3. This paragraph is not intended to abrogate in any manner
667 the authority delegated to the Board of Trustees of the Internal
668 Improvement Trust Fund or the Division of State Lands to approve
669 a contract for purchase of state lands or to require policies
670 and procedures to obtain clear legal title to parcels purchased
671 for state purposes. Title to property acquired by a university
672 board of trustees prior to January 7, 2003, and to property
673 acquired with funds appropriated by the Legislature shall vest
674 in the Board of Trustees of the Internal Improvement Trust Fund.

675 (f) The Board of Governors, or the board's designee, shall
676 prepare and adopt a campus master plan pursuant to s. 1013.30.

677 (g) The Board of Governors, or the board's designee, shall
678 prepare, adopt, and execute a campus development agreement
679 pursuant to s. 1013.30.

680 (h) Notwithstanding the provisions of s. 216.351, the Board
681 of Governors, or the board's designee, may authorize the rent or
682 lease of parking facilities provided that such facilities are
683 funded through parking fees or parking fines imposed by a
684 university. The Board of Governors, or the board's designee, may
685 authorize a university board of trustees to charge fees for
686 parking at such rented or leased parking facilities.

687 (8)~~(7)~~ COMPLIANCE WITH LAWS, RULES, REGULATIONS, AND
688 REQUIREMENTS.—The Board of Governors has responsibility for
689 compliance with state and federal laws, rules, regulations, and
690 requirements.

691 (9)~~(8)~~ COOPERATION WITH OTHER BOARDS.—The Board of
692 Governors shall implement a plan for working on a regular basis
693 with the State Board of Education, the Commission for
694 Independent Education, the university boards of trustees,



340164

589-04452-10

695 representatives of the community college boards of trustees,
696 representatives of the private colleges and universities, and
697 representatives of the district school boards to achieve a
698 seamless education system.

699 ~~(10)-(9)~~ The Board of Governors is prohibited from assessing
700 any fee on state universities, unless specifically authorized by
701 law.

702 Section 12. Subsection (3) is added to section 1001.72,
703 Florida Statutes, to read:

704 1001.72 University boards of trustees; boards to constitute
705 a corporation.—

706 (3) Each board of trustees constitutes the contracting
707 agent of the university.

708 Section 13. Section 1004.015, Florida Statutes, is created
709 to read:

710 1004.015 Higher Education Coordinating Council.—

711 (1) The Higher Education Coordinating Council is created
712 for the purposes of identifying unmet needs and facilitating
713 solutions to disputes regarding the creation of new degree
714 programs and the establishment of new institutes, campuses, or
715 centers.

716 (2) Members of the council shall include:

717 (a) The Commissioner of Education.

718 (b) The Chancellor of the State University System.

719 (c) The Chancellor of the Florida College System.

720 (d) The executive director of the Commission for
721 Independent Education.

722 (e) The president of the Independent Colleges and
723 Universities of Florida.



340164

589-04452-10

724 (f) Two representatives of the business community, one
725 appointed by the President of the Senate and one appointed by
726 the Speaker of the House of Representatives, who are committed
727 to developing and enhancing world class workforce infrastructure
728 necessary for Florida's citizens to compete and prosper in the
729 ever-changing economy of the 21st century.

730 (3) The council shall serve as an advisory board to the
731 Legislature, the State Board of Education, and the Board of
732 Governors. Recommendations of the council shall be consistent
733 with the following guiding principles:

734 (a) To achieve within existing resources a seamless
735 academic educational system that fosters an integrated continuum
736 of kindergarten through graduate school education for Florida's
737 students.

738 (b) To promote consistent education policy across all
739 educational delivery systems, focusing on students.

740 (c) To promote substantially improved articulation across
741 all educational delivery systems.

742 (d) To promote a system that maximizes educational access
743 and allows the opportunity for a high-quality education for all
744 Floridians.

745 (e) To promote a system of coordinated and consistent
746 transfer of credit and data collection for improved
747 accountability purposes between the educational delivery
748 systems.

749 (4) The Board of Governors shall provide administrative
750 support for the council.

751 Section 14. Subsections (1) and (3) of section 1004.03,
752 Florida Statutes, are amended to read:



340164

589-04452-10

753 1004.03 Program approval.-

754 (1) The Board of Governors shall establish criteria for the
755 review and approval of proposed new programs at state
756 universities to ensure the well-planned development,
757 coordination, and operation of the State University System and
758 to avoid wasteful duplication of facilities or programs. The
759 Board of Governors shall submit an annual report to the
760 President of the Senate, the Speaker of the House of
761 Representatives, and the Governor listing the reviews conducted
762 and the results of each review. ~~that will receive any support~~
763 ~~from tuition and fees assessed pursuant to s. 1009.24 or from~~
764 ~~funds appropriated by the Legislature through the General~~
765 ~~Appropriations Act or other law. These criteria include, but are~~
766 ~~not limited to, the following:~~

767 (a) ~~New programs may not be approved unless the same~~
768 ~~objectives cannot be met through use of educational technology.~~

769 (b) ~~Unnecessary duplication of programs offered by public~~
770 ~~and independent institutions shall be avoided.~~

771 (c) ~~Cooperative programs, particularly within regions,~~
772 ~~should be encouraged.~~

773 (d) ~~New programs shall be approved only if they are~~
774 ~~consistent with the strategic plan adopted by the Board of~~
775 ~~Governors.~~

776 (e) ~~A new graduate-level program or professional-level~~
777 ~~program may be approved if:~~

778 1. ~~The university has taken into account the offerings of~~
779 ~~its counterparts, including institutions in other sectors,~~
780 ~~particularly at the regional level.~~

781 2. ~~The addition of the program will not alter the emphasis~~



340164

589-04452-10

782 ~~on undergraduate education.~~

783 ~~3. The regional need and demand for the program was~~
784 ~~addressed and the community needs are obvious.~~

785 ~~(3) New colleges, schools, or functional equivalents of any~~
786 ~~program that leads to a degree that is offered as a credential~~
787 ~~for a specific license granted under the Florida Statutes or the~~
788 ~~State Constitution and that will receive any support from~~
789 ~~tuition and fees or from funds appropriated by the Legislature~~
790 ~~through the General Appropriations Act or other law shall not be~~
791 ~~established without the specific approval of the Legislature.~~

792 Section 15. Subsection (4) of section 1004.07, Florida
793 Statutes, is amended to read:

794 1004.07 Student withdrawal from courses due to military
795 service; effect.—

796 (4) Policies of state university boards of trustees shall
797 be established by regulation ~~rule~~ and pursuant to guidelines of
798 the Board of Governors.

799 Section 16. Section 1006.54, Florida Statutes, is amended
800 to read:

801 1006.54 Universities; public documents distributed to
802 libraries.—The general library of each state university may
803 receive copies of reports of state officials, departments, and
804 institutions and all other state documents published by the
805 state. Each officer of the state empowered by law to distribute
806 such public documents may transmit without charge, except for
807 payment of shipping costs, the number of copies of each public
808 document desired upon requisition from the librarian. It is the
809 duty of the library to keep public documents in a convenient
810 form accessible to the public. The library, under regulations



340164

589-04452-10

811 ~~rules~~ formulated by the university board of trustees, is
812 authorized to exchange documents for those of other states,
813 territories, and countries.

814 Section 17. Section 1006.60, Florida Statutes, is amended
815 to read:

816 1006.60 Codes of conduct; disciplinary measures; ~~rulemaking~~
817 authority to adopt rules or regulations.-

818 (1) Each community college ~~and state university~~ may adopt,
819 by rule, and each state university may adopt, by regulation,
820 codes of conduct and appropriate penalties for violations of
821 rules or regulations by students, to be administered by the
822 institution. Such penalties, unless otherwise provided by law,
823 may include: reprimand; restitution; fines; withholding of
824 diplomas or transcripts pending compliance with rules or
825 regulations, completion of any student judicial process or
826 sanction, or payment of fines; restrictions on the use of or
827 removal from campus facilities; community service; educational
828 requirements; and the imposition of probation, suspension,
829 dismissal, or expulsion.

830 (2) Each community college ~~and state university~~ may adopt,
831 by rule, and each state university may adopt, by regulation, a
832 code of conduct and appropriate penalties for violations of
833 rules or regulations by student organizations, to be
834 administered by the institution. Such penalties, unless
835 otherwise provided by law, may include: reprimand; restitution;
836 suspension, cancellation, or revocation of the registration or
837 official recognition of a student organization; and restrictions
838 on the use of, or removal from, campus facilities.

839 (3) Sanctions authorized by such codes of conduct may be



340164

589-04452-10

840 imposed only for acts or omissions in violation of rules or
841 regulations adopted by the institution, including rules or
842 regulations adopted under this section, rules of the State Board
843 of Education, rules or regulations of ~~or~~ the Board of Governors
844 regarding the State University System, county and municipal
845 ordinances, and the laws of this state, the United States, or
846 any other state.

847 (4) Each community college ~~and state university~~ may
848 establish and adopt, by rule, and each state university may
849 establish and adopt, by regulation, codes of appropriate
850 penalties for violations of rules or regulations governing
851 student academic honesty. Such penalties, unless otherwise
852 provided by law, may include: reprimand; reduction of grade;
853 denial of academic credit; invalidation of university credit or
854 of the degree based upon such credit; probation; suspension;
855 dismissal; or expulsion. In addition to any other penalties that
856 may be imposed, an individual may be denied admission or further
857 registration, and the institution may invalidate academic credit
858 for work done by a student and may invalidate or revoke the
859 degree based upon such credit if it is determined that the
860 student has made false, fraudulent, or incomplete statements in
861 the application, residence affidavit, or accompanying documents
862 or statements in connection with, or supplemental to, the
863 application for admission to or graduation from the institution.

864 (5) Each community college ~~and state university~~ shall adopt
865 rules and each state university shall adopt regulations for the
866 lawful discipline of any student who intentionally acts to
867 impair, interfere with, or obstruct the orderly conduct,
868 processes, and functions of the institution. Said rules or



340164

589-04452-10

869 regulations may apply to acts conducted on or off campus when
870 relevant to such orderly conduct, processes, and functions.

871 Section 18. Subsection (2) of section 1006.65, Florida
872 Statutes, is amended to read:

873 1006.65 Safety issues in courses offered by public
874 postsecondary educational institutions.—

875 (2) The Board of Governors shall adopt regulations ~~rules~~ to
876 ensure that policies and procedures are in place to protect the
877 health and safety of students, instructional personnel, and
878 visitors who participate in courses offered by a state
879 university.

880 Section 19. Subsection (3) of section 1007.264, Florida
881 Statutes, is amended to read:

882 1007.264 Persons with disabilities; admission to
883 postsecondary educational institutions; substitute requirements;
884 rules and regulations.—

885 (3) The Board of Governors, in consultation with the State
886 Board of Education, shall adopt regulations ~~rules~~ to implement
887 this section for state universities and shall develop substitute
888 admission requirements where appropriate.

889 Section 20. Subsection (3) of section 1007.265, Florida
890 Statutes, is amended to read:

891 1007.265 Persons with disabilities; graduation, study
892 program admission, and upper-division entry; substitute
893 requirements; rules and regulations.—

894 (3) The Board of Governors, in consultation with the State
895 Board of Education, shall adopt regulations ~~rules~~ to implement
896 this section for state universities and shall develop substitute
897 requirements where appropriate.



340164

589-04452-10

898 Section 21. Section 1009.24, Florida Statutes, is amended
899 to read:

900 1009.24 State university student fees.—

901 (1) This section applies to students enrolled in college
902 credit programs at state universities.

903 (2) All students shall be charged fees except students who
904 are exempt from fees or students whose fees are waived.

905 (3) All moneys from tuition and fees shall be deposited
906 pursuant to s. 1011.42.

907 (4) (a) Effective January 1, 2008, the resident
908 undergraduate tuition for lower-level and upper-level coursework
909 shall be \$77.39 per credit hour.

910 (b) Beginning with the 2008-2009 fiscal year and each year
911 thereafter, the resident undergraduate tuition per credit hour
912 shall increase at the beginning of each fall semester at a rate
913 equal to inflation, unless otherwise provided in the General
914 Appropriations Act. The Office of Economic and Demographic
915 Research shall report the rate of inflation to the President of
916 the Senate, the Speaker of the House of Representatives, the
917 Governor, and the Board of Governors each year prior to March 1.
918 For purposes of this paragraph, the rate of inflation shall be
919 defined as the rate of the 12-month percentage change in the
920 Consumer Price Index for All Urban Consumers, U.S. City Average,
921 All Items, or successor reports as reported by the United States
922 Department of Labor, Bureau of Labor Statistics, or its
923 successor for December of the previous year. In the event the
924 percentage change is negative, the resident undergraduate
925 tuition shall remain at the same level as the prior fiscal year.

926 (c) The Board of Governors, or the board's designee, may



340164

589-04452-10

927 establish tuition for graduate and professional programs, and
928 out-of-state fees for all programs. Except as otherwise provided
929 in this section, the sum of tuition and out-of-state fees
930 assessed to nonresident students must be sufficient to offset
931 the full instructional cost of serving such students. However,
932 adjustments to out-of-state fees or tuition for graduate
933 programs and professional programs may not exceed 15 percent in
934 any year.

935 (d) The Board of Governors may consider and approve
936 flexible tuition policies as requested by a university board of
937 trustees in accordance with the provisions of subsection (15)
938 only to the extent such policies are in alignment with the
939 mission of the university and do not increase the state's fiscal
940 liability or obligations, including, but not limited to, any
941 fiscal liability or obligation for programs authorized under ss.
942 1009.53-1009.538 and ss. 1009.97-1009.984.

943 (e) ~~(d)~~ The sum of the activity and service, health, and
944 athletic fees a student is required to pay to register for a
945 course shall not exceed 40 percent of the tuition established in
946 law or in the General Appropriations Act. No university shall be
947 required to lower any fee in effect on the effective date of
948 this act in order to comply with this subsection. Within the 40
949 percent cap, universities may not increase the aggregate sum of
950 activity and service, health, and athletic fees more than 5
951 percent per year unless specifically authorized in law or in the
952 General Appropriations Act. A university may increase its
953 athletic fee to defray the costs associated with changing
954 National Collegiate Athletic Association divisions. Any such
955 increase in the athletic fee may exceed both the 40 percent cap



340164

589-04452-10

956 and the 5 percent cap imposed by this subsection. Any such
957 increase must be approved by the athletic fee committee in the
958 process outlined in subsection (12) and cannot exceed \$2 per
959 credit hour. Notwithstanding the provisions of ss. 1009.534,
960 1009.535, and 1009.536, that portion of any increase in an
961 athletic fee pursuant to this subsection that causes the sum of
962 the activity and service, health, and athletic fees to exceed
963 the 40 percent cap or the annual increase in such fees to exceed
964 the 5 percent cap shall not be included in calculating the
965 amount a student receives for a Florida Academic Scholars award,
966 a Florida Medallion Scholars award, or a Florida Gold Seal
967 Vocational Scholars award.

968 (f) ~~(e)~~ This subsection does not prohibit a university from
969 increasing or assessing optional fees related to specific
970 activities if payment of such fees is not required as a part of
971 registration for courses.

972 (5) A university may implement a differential out-of-state
973 fee in accordance with regulations developed by the Board of
974 Governors for the following:

975 (a) A student from another state that borders the service
976 area of the university.

977 (b) A graduate student who has been determined to be a
978 nonresident for tuition purposes pursuant to s. 1009.21 and has
979 a .25 full-time equivalent appointment or greater as a graduate
980 assistant, graduate research assistant, graduate teaching
981 assistant, graduate research associate, or graduate teaching
982 associate.

983 (c) A graduate student who has been determined to be a
984 nonresident for tuition purposes pursuant to s. 1009.21 and is



340164

589-04452-10

985 receiving a full fellowship.

986 (6) Students who are enrolled in Programs in Medical
987 Sciences are considered graduate students for the purpose of
988 enrollment and student fees.

989 (7) A university board of trustees is authorized to collect
990 for financial aid purposes an amount not to exceed 5 percent of
991 the tuition and out-of-state fee. The revenues from fees are to
992 remain at each campus and replace existing financial aid fees.
993 Such funds shall be disbursed to students as quickly as
994 possible. A minimum of 75 percent of funds from the student
995 financial aid fee shall be used to provide financial aid based
996 on absolute need. The Board of Governors shall develop criteria
997 for making financial aid awards. Each university shall report
998 annually to the Board of Governors and the Department of
999 Education on the revenue collected pursuant to this subsection,
1000 the amount carried forward, the criteria used to make awards,
1001 the amount and number of awards for each criterion, and a
1002 delineation of the distribution of such awards. The report shall
1003 include an assessment by category of the financial need of every
1004 student who receives an award, regardless of the purpose for
1005 which the award is received. Awards which are based on financial
1006 need shall be distributed in accordance with a nationally
1007 recognized system of need analysis approved by the Board of
1008 Governors. An award for academic merit shall require a minimum
1009 overall grade point average of 3.0 on a 4.0 scale or the
1010 equivalent for both initial receipt of the award and renewal of
1011 the award.

1012 (8) The Capital Improvement Trust Fund fee is established
1013 as \$2.44 per credit hour per semester. The building fee is



340164

589-04452-10

1014 established as \$2.32 per credit hour per semester.

1015 (9) Each university board of trustees is authorized to
1016 establish separate activity and service, health, and athletic
1017 fees. When duly established, the fees shall be collected as
1018 component parts of tuition and fees and shall be retained by the
1019 university and paid into the separate activity and service,
1020 health, and athletic funds. Notwithstanding any other provision
1021 of law to the contrary, a university may transfer revenues
1022 derived from the fees authorized pursuant to this subsection to
1023 a university direct-support organization of the university to be
1024 used only for the purpose of paying and securing debt on
1025 projects approved pursuant to s. 1010.62 and pursuant to a
1026 written agreement approved by the Board of Governors. The amount
1027 transferred may not exceed the amount authorized for annual debt
1028 service pursuant to s. 1010.62.

1029 (10) (a) Each university board of trustees shall establish a
1030 student activity and service fee on the main campus of the
1031 university. The university board may also establish a student
1032 activity and service fee on any branch campus or center. Any
1033 subsequent increase in the activity and service fee must be
1034 recommended by an activity and service fee committee, at least
1035 one-half of whom are students appointed by the student body
1036 president. The remainder of the committee shall be appointed by
1037 the university president. A chairperson, appointed jointly by
1038 the university president and the student body president, shall
1039 vote only in the case of a tie. The recommendations of the
1040 committee shall take effect only after approval by the
1041 university president, after consultation with the student body
1042 president, with final approval by the university board of



340164

589-04452-10

1043 trustees. An increase in the activity and service fee may occur
1044 only once each fiscal year and must be implemented beginning
1045 with the fall term. The Board of Governors is responsible for
1046 adopting the regulations ~~rules~~ and timetables necessary to
1047 implement this fee.

1048 (b) The student activity and service fees shall be expended
1049 for lawful purposes to benefit the student body in general. This
1050 shall include, but shall not be limited to, student publications
1051 and grants to duly recognized student organizations, the
1052 membership of which is open to all students at the university
1053 without regard to race, sex, or religion. The fund may not
1054 benefit activities for which an admission fee is charged to
1055 students, except for student-government-association-sponsored
1056 concerts. The allocation and expenditure of the fund shall be
1057 determined by the student government association of the
1058 university, except that the president of the university may veto
1059 any line item or portion thereof within the budget when
1060 submitted by the student government association legislative
1061 body. The university president shall have 15 school days from
1062 the date of presentation of the budget to act on the allocation
1063 and expenditure recommendations, which shall be deemed approved
1064 if no action is taken within the 15 school days. If any line
1065 item or portion thereof within the budget is vetoed, the student
1066 government association legislative body shall within 15 school
1067 days make new budget recommendations for expenditure of the
1068 vetoed portion of the fund. If the university president vetoes
1069 any line item or portion thereof within the new budget
1070 revisions, the university president may reallocate by line item
1071 that vetoed portion to bond obligations guaranteed by activity



340164

589-04452-10

1072 and service fees. Unexpended funds and undisbursed funds
1073 remaining at the end of a fiscal year shall be carried over and
1074 remain in the student activity and service fund and be available
1075 for allocation and expenditure during the next fiscal year.

1076 (11) Each university board of trustees shall establish a
1077 student health fee on the main campus of the university. The
1078 university board of trustees may also establish a student health
1079 fee on any branch campus or center. Any subsequent increase in
1080 the health fee must be recommended by a health committee, at
1081 least one-half of whom are students appointed by the student
1082 body president. The remainder of the committee shall be
1083 appointed by the university president. A chairperson, appointed
1084 jointly by the university president and the student body
1085 president, shall vote only in the case of a tie. The
1086 recommendations of the committee shall take effect only after
1087 approval by the university president, after consultation with
1088 the student body president, with final approval by the
1089 university board of trustees. An increase in the health fee may
1090 occur only once each fiscal year and must be implemented
1091 beginning with the fall term. The Board of Governors is
1092 responsible for adopting the regulations ~~rules~~ and timetables
1093 necessary to implement this fee.

1094 (12) Each university board of trustees shall establish a
1095 separate athletic fee on the main campus of the university. The
1096 university board may also establish a separate athletic fee on
1097 any branch campus or center. Any subsequent increase in the
1098 athletic fee must be recommended by an athletic fee committee,
1099 at least one-half of whom are students appointed by the student
1100 body president. The remainder of the committee shall be



340164

589-04452-10

1101 appointed by the university president. A chairperson, appointed
1102 jointly by the university president and the student body
1103 president, shall vote only in the case of a tie. The
1104 recommendations of the committee shall take effect only after
1105 approval by the university president, after consultation with
1106 the student body president, with final approval by the
1107 university board of trustees. An increase in the athletic fee
1108 may occur only once each fiscal year and must be implemented
1109 beginning with the fall term. The Board of Governors is
1110 responsible for adopting the regulations ~~rules~~ and timetables
1111 necessary to implement this fee.

1112 (13) Each university board of trustees may establish a
1113 technology fee of up to 5 percent of the tuition per credit
1114 hour. The revenue from this fee shall be used to enhance
1115 instructional technology resources for students and faculty. The
1116 technology fee may not be included in any award under the
1117 Florida Bright Futures Scholarship Program established pursuant
1118 to ss. 1009.53-1009.538.

1119 (14) ~~(13)~~ Except as otherwise provided in subsection (15),
1120 each university board of trustees is authorized to establish the
1121 following fees:

1122 (a) A nonrefundable application fee in an amount not to
1123 exceed \$30.

1124 (b) An orientation fee in an amount not to exceed \$35.

1125 (c) A fee for security, access, or identification cards.
1126 The annual fee for such a card may not exceed \$10 per card. The
1127 maximum amount charged for a replacement card may not exceed
1128 \$15.

1129 (d) Registration fees for audit and zero-hours



340164

589-04452-10

1130 registration; a service charge, which may not exceed \$15, for
1131 the payment of tuition and fees in installments; and a late-
1132 registration fee in an amount not less than \$50 nor more than
1133 \$100 to be imposed on students who fail to initiate registration
1134 during the regular registration period.

1135 (e) A late-payment fee in an amount not less than \$50 nor
1136 more than \$100 to be imposed on students who fail to pay or fail
1137 to make appropriate arrangements to pay (by means of installment
1138 payment, deferment, or third-party billing) tuition by the
1139 deadline set by each university. Each university may adopt
1140 specific procedures or policies for waiving the late-payment fee
1141 for minor underpayments.

1142 (f) ~~(f)~~ Fees for transcripts and diploma replacement, not to
1143 exceed \$10 per item.

1144 (g) A nonrefundable admissions deposit for undergraduate,
1145 graduate, and professional degree programs in an amount not to
1146 exceed \$200. The admissions deposit shall be imposed at the time
1147 of an applicant's acceptance to the university and shall be
1148 applied toward tuition upon enrollment. If the applicant does
1149 not enroll in the university, the admissions deposit shall be
1150 deposited in an auxiliary account of the university and used to
1151 expand financial assistance, scholarships, and student academic
1152 and career counseling services at the university. The Board of
1153 Governors shall adopt a policy that provides for the waiver of
1154 such admissions deposit on the basis of financial hardship.

1155 (h) ~~(f)~~ A fee for miscellaneous health-related charges for
1156 services provided at cost by the university health center which
1157 are not covered by the health fee set under subsection (11).

1158 (i) ~~(g)~~ Materials and supplies fees to offset the cost of



340164

589-04452-10

1159 materials or supplies that are consumed in the course of the
1160 student's instructional activities, excluding the cost of
1161 equipment replacement, repairs, and maintenance.

1162 (j)~~(h)~~ Housing rental rates and miscellaneous housing
1163 charges for services provided by the university at the request
1164 of the student.

1165 (k)~~(i)~~ A charge representing the reasonable cost of efforts
1166 to collect payment of overdue accounts.

1167 (l)~~(j)~~ A service charge on university loans in lieu of
1168 interest and administrative handling charges.

1169 (m)~~(k)~~ A fee for off-campus course offerings when the
1170 location results in specific, identifiable increased costs to
1171 the university.

1172 (n)~~(l)~~ Library fees and fines, including charges for
1173 damaged and lost library materials, overdue reserve library
1174 books, interlibrary loans, and literature searches.

1175 (o)~~(m)~~ Fees relating to duplicating, photocopying, binding,
1176 and microfilming; copyright services; and standardized testing.
1177 These fees may be charged only to those who receive the
1178 services.

1179 (p)~~(n)~~ Fees and fines relating to the use, late return, and
1180 loss and damage of facilities and equipment.

1181 (q)~~(o)~~ A returned-check fee as authorized by s. 832.07(1)
1182 for unpaid checks returned to the university.

1183 (r)~~(p)~~ Traffic and parking fines, charges for parking
1184 decals, and transportation access fees.

1185 (s)~~(q)~~ An Educational Research Center for Child Development
1186 fee for child care and services offered by the center.

1187 ~~(s) A technology fee of up to 5 percent of the tuition per~~



340164

589-04452-10

1188 ~~credit hour, beginning with the fall term of the 2009-2010~~
1189 ~~academic year. The revenue from this fee shall be used to~~
1190 ~~enhance instructional technology resources for students and~~
1191 ~~faculty. The technology fee shall not be included in any award~~
1192 ~~under the Florida Bright Futures Scholarship Program.~~

1193
1194 With the exception of housing rental rates and except as
1195 otherwise provided, fees assessed pursuant to paragraphs (h)-(s)
1196 shall be based on reasonable costs of services. The Board of
1197 Governors shall adopt regulations and timetables necessary to
1198 implement the fees and fines authorized under this subsection.
1199 The fees assessed under this subsection may be used for debt
1200 only as authorized under s. 1010.62.

1201 ~~(14) Each university board of trustees is authorized to~~
1202 ~~establish a nonrefundable admissions deposit for undergraduate,~~
1203 ~~graduate, and professional degree programs in an amount not to~~
1204 ~~exceed \$200. The admissions deposit shall be imposed at the time~~
1205 ~~of an applicant's acceptance to the university and shall be~~
1206 ~~applied toward tuition upon enrollment. In the event the~~
1207 ~~applicant does not enroll in the university, the admissions~~
1208 ~~deposit shall be deposited in an auxiliary account of the~~
1209 ~~university and used to expand financial assistance,~~
1210 ~~scholarships, and student academic and career counseling~~
1211 ~~services at the university. A university board of trustees that~~
1212 ~~establishes an admissions deposit pursuant to this subsection~~
1213 ~~must also adopt policies that provide for the waiver of such~~
1214 ~~deposit on the basis of financial hardship.~~

1215 (15) (a) The Board of Governors may approve:
1216 1. A proposal from a university board of trustees to



340164

589-04452-10

1217 establish a new student fee that is not specifically authorized
1218 by this section.

1219 2. A proposal from a university board of trustees to
1220 increase the current cap for an existing fee authorized pursuant
1221 to paragraphs (14) (a)-(g).

1222 3. A proposal from a university board of trustees to
1223 implement flexible tuition policies, such as block tuition,
1224 block tuition differential, or market tuition rates for
1225 graduate-level online courses or graduate-level courses offered
1226 through a university's continuing education program. A block
1227 tuition policy for resident undergraduate students or
1228 undergraduate-level courses shall be based on the per-credit-
1229 hour undergraduate tuition established under subsection (4). A
1230 block tuition policy for nonresident undergraduate students
1231 shall be based on the per-credit-hour undergraduate tuition and
1232 out-of-state fee established under subsection (4). Flexible
1233 tuition policies, including block tuition, may not increase the
1234 state's fiscal liability or obligation.

1235 (b) A proposal developed pursuant to paragraph (a) shall be
1236 submitted in accordance with guidelines established by the Board
1237 of Governors. Approval by the Board of Governors of such
1238 proposal must be made in accordance with the provisions of this
1239 subsection.

1240 (c) In reviewing a proposal to establish a new fee under
1241 subparagraph (a)1., the Board of Governors shall consider:

1242 1. The purpose to be served or accomplished by the new fee.

1243 2. Whether there is a demonstrable student-based need for
1244 the new fee that is not currently being met through existing
1245 university services, operations, or another fee.



340164

589-04452-10

1246 3. Whether the financial impact on students is warranted in
1247 light of other charges assessed to students for tuition and
1248 associated fees.

1249 4. Whether any restrictions, limitations, or conditions
1250 should be placed on the use of the fee.

1251 5. Whether there are outcome measures to indicate if the
1252 purpose for which the fee was established is accomplished.

1253 (d) In reviewing a proposal to increase or exceed the
1254 current cap for an existing fee under subparagraph (a)2., the
1255 Board of Governors shall consider:

1256 1. The services or operations currently being funded by the
1257 fee.

1258 2. Whether those services or operations can be performed
1259 more efficiently to alleviate the need for any increase.

1260 3. The additional or enhanced services or operations to be
1261 funded by the increase.

1262 4. Whether any alternative resources are available to meet
1263 the need.

1264 5. Whether the financial impact on students is warranted in
1265 light of other charges assessed to students for tuition and
1266 associated fees.

1267 (e) In reviewing a proposal to implement a flexible tuition
1268 policy under subparagraph (a)3., the Board of Governors shall
1269 consider:

1270 1. Whether the proposed tuition flexibility policy is
1271 aligned with the mission of the university.

1272 2. Whether the proposed tuition flexibility policy
1273 increases the state's fiscal liabilities or obligations and, if
1274 so, the proposal shall be denied.



340164

589-04452-10

1275 3. Whether any restrictions, limitations, or conditions
1276 should be placed on the policy.

1277 (f) The Board of Governors shall submit an annual report to
1278 the President of the Senate, the Speaker of the House of
1279 Representatives, and the Governor summarizing the proposals
1280 received by the board during the preceding year and actions
1281 taken by the board in response to such proposals. The Board of
1282 Governors shall also include in the annual report the following
1283 information for each new fee approved pursuant to the provisions
1284 of this subsection:

1285 1. The amount of the fee.

1286 2. The total revenues generated by the fee.

1287 3. Detailed expenditures of the revenues generated by the
1288 fee.

1289 (g) The aggregate sum of any new fees established pursuant
1290 to this subsection that a student is required to pay to register
1291 for a course shall not exceed 10 percent of tuition.

1292 (h) Any new fee established pursuant to this subsection
1293 shall not be included in any award under the Florida Bright
1294 Futures Scholarship Program established pursuant to ss. 1009.53-
1295 1009.538.

1296 (i) The revenues generated by a new fee established
1297 pursuant to this subsection may not be transferred to an
1298 auxiliary enterprise or a direct-support organization and may
1299 not be used for the purpose of paying or securing debt.

1300 (j) If the Board of Governors approves a university
1301 proposal to establish a new fee, a fee committee shall be
1302 established at the university to make recommendations to the
1303 university president and the university board of trustees



340164

589-04452-10

1304 regarding how the revenue from the fee is to be spent and any
1305 subsequent changes to the fee. At least one-half of the
1306 committee must be students appointed by the student body
1307 president. The remainder of the committee shall be appointed by
1308 the university president. A chair, appointed jointly by the
1309 university president and the student body president, shall vote
1310 only in the case of a tie.

1311 (k) An increase to an existing fee or a new fee established
1312 pursuant to this subsection may occur no more than once each
1313 fiscal year and must be implemented beginning with the fall term
1314 ~~Each university may assess a service charge for the payment of~~
1315 ~~tuition and fees in installments. Such service charge must be~~
1316 ~~approved by the university board of trustees.~~

1317 (16) Each university board of trustees may establish a
1318 tuition differential for undergraduate courses upon receipt of
1319 approval from the Board of Governors. The tuition differential
1320 shall promote improvements in the quality of undergraduate
1321 education and shall provide financial aid to undergraduate
1322 students who exhibit financial need.

1323 (a) Seventy percent of the revenues from the tuition
1324 differential shall be expended for purposes of undergraduate
1325 education. Such expenditures may include, but are not limited
1326 to, increasing course offerings, improving graduation rates,
1327 increasing the percentage of undergraduate students who are
1328 taught by faculty, decreasing student-faculty ratios, providing
1329 salary increases for faculty who have a history of excellent
1330 teaching in undergraduate courses, improving the efficiency of
1331 the delivery of undergraduate education through academic
1332 advisement and counseling, and reducing the percentage of



340164

589-04452-10

1333 students who graduate with excess hours. This expenditure for
1334 undergraduate education may not be used to pay the salaries of
1335 graduate teaching assistants. The remaining 30 percent of the
1336 revenues from the tuition differential, or the equivalent amount
1337 of revenue from private sources, shall be expended to provide
1338 financial aid to undergraduate students who exhibit financial
1339 need to meet the cost of university attendance. This expenditure
1340 for need-based financial aid shall not supplant the amount of
1341 need-based aid provided to undergraduate students in the
1342 preceding fiscal year from financial aid fee revenues, the
1343 direct appropriation for financial assistance provided to state
1344 universities in the General Appropriations Act, or from private
1345 sources.

1346 (b) Each tuition differential is subject to the following
1347 conditions:

1348 1. The tuition differential may be assessed on one or more
1349 undergraduate courses or on all undergraduate courses at a state
1350 university.

1351 2. The tuition differential may vary by course or courses,
1352 campus or center location, and by institution. Each university
1353 board of trustees shall strive to maintain and increase
1354 enrollment in degree programs related to math, science, high
1355 technology, and other state or regional high-need fields when
1356 establishing tuition differentials by course.

1357 3. For each state university that has total research and
1358 development expenditures for all fields of at least \$100 million
1359 per year as reported annually to the National Science
1360 Foundation, the aggregate sum of tuition and the tuition
1361 differential may not be increased by more than 15 percent of the



340164

589-04452-10

1362 total charged for the aggregate sum of these fees in the
1363 preceding fiscal year. For each state university that has total
1364 research and development expenditures for all fields of less
1365 than \$100 million per year as reported annually to the National
1366 Science Foundation, the aggregate sum of tuition and the tuition
1367 differential may not be increased by more than 15 percent of the
1368 total charged for the aggregate sum of these fees in the
1369 preceding fiscal year.

1370 4. The aggregate sum of undergraduate tuition and fees per
1371 credit hour, including the tuition differential, may not exceed
1372 the national average of undergraduate tuition and fees at 4-year
1373 degree-granting public postsecondary educational institutions.

1374 5. The tuition differential shall not be included in any
1375 award under the Florida Bright Futures Scholarship Program
1376 established pursuant to ~~may not be calculated as a part of the~~
1377 ~~scholarship programs established in~~ ss. 1009.53-1009.538.

1378 6. Beneficiaries having prepaid tuition contracts pursuant
1379 to s. 1009.98(2)(b) which were in effect on July 1, 2007, and
1380 which remain in effect, are exempt from the payment of the
1381 tuition differential.

1382 7. The tuition differential may not be charged to any
1383 student who was in attendance at the university before July 1,
1384 2007, and who maintains continuous enrollment.

1385 8. The tuition differential may be waived by the university
1386 for students who meet the eligibility requirements for the
1387 Florida public student assistance grant established in s.
1388 1009.50.

1389 9. Subject to approval by the Board of Governors, the
1390 tuition differential authorized pursuant to this subsection may



340164

589-04452-10

1391 take effect with the 2009 fall term.

1392 (c) A university board of trustees may submit a proposal to
1393 the Board of Governors to implement a tuition differential for
1394 one or more undergraduate courses. At a minimum, the proposal
1395 shall:

1396 1. Identify the course or courses for which the tuition
1397 differential will be assessed.

1398 2. Indicate the amount that will be assessed for each
1399 tuition differential proposed.

1400 3. Indicate the purpose of the tuition differential.

1401 4. Indicate how the revenues from the tuition differential
1402 will be used.

1403 5. Indicate how the university will monitor the success of
1404 the tuition differential in achieving the purpose for which the
1405 tuition differential is being assessed.

1406 (d) The Board of Governors shall review each proposal and
1407 advise the university board of trustees of approval of the
1408 proposal, the need for additional information or revision to the
1409 proposal, or denial of the proposal. The Board of Governors
1410 shall establish a process for any university to revise a
1411 proposal or appeal a decision of the board.

1412 (e) The Board of Governors shall submit a report to the
1413 President of the Senate, the Speaker of the House of
1414 Representatives, and the Governor describing the implementation
1415 of the provisions of this subsection no later than January 1,
1416 2010, and no later than January 1 each year thereafter. The
1417 report shall summarize proposals received by the board during
1418 the preceding fiscal year and actions taken by the board in
1419 response to such proposals. In addition, the report shall



340164

589-04452-10

1420 provide the following information for each university that has
1421 been approved by the board to assess a tuition differential:

1422 1. The course or courses for which the tuition differential
1423 was assessed and the amount assessed.

1424 2. The total revenues generated by the tuition
1425 differential.

1426 3. With respect to waivers authorized under subparagraph
1427 (b)8., the number of students eligible for a waiver, the number
1428 of students receiving a waiver, and the value of waivers
1429 provided.

1430 4. Detailed expenditures of the revenues generated by the
1431 tuition differential.

1432 5. Changes in retention rates, graduation rates, the
1433 percentage of students graduating with more than 110 percent of
1434 the hours required for graduation, pass rates on licensure
1435 examinations, the number of undergraduate course offerings, the
1436 percentage of undergraduate students who are taught by faculty,
1437 student-faculty ratios, and the average salaries of faculty who
1438 teach undergraduate courses.

1439 (f) No state university shall be required to lower any
1440 tuition differential that was approved by the Board of Governors
1441 and in effect prior to January 1, 2009, in order to comply with
1442 the provisions of this subsection.

1443 (17) (a) A state university may assess a student who enrolls
1444 in a course listed in the Florida Higher Education Distance
1445 Learning Catalog, established pursuant to s. 1004.09, a per-
1446 credit-hour distance learning course fee. For purposes of
1447 assessing this fee, a distance learning course is a course in
1448 which at least 80 percent of the direct instruction of the



340164

589-04452-10

1449 course is delivered using some form of technology when the
1450 student and instructor are separated by time or space, or both.

1451 (b) The amount of the distance learning course fee may not
1452 exceed the additional costs of the services provided which are
1453 attributable to the development and delivery of the distance
1454 learning course. If the distance learning course fee is assessed
1455 by a state university, the institution may not assess
1456 duplicative fees to cover the additional costs.

1457 (c) The link for the catalog must be prominently displayed
1458 within the advising and distance learning sections of the
1459 institution's website, using a graphic and description provided
1460 by the Florida Distance Learning Consortium, informing students
1461 of the catalog.

1462 (18) A state university may not charge any fee except as
1463 specifically authorized by law.

1464 (19) The Board of Governors shall adopt regulations to
1465 implement the provisions of this section.

1466 Section 22. Subsection (9) of section 1009.26, Florida
1467 Statutes, is amended to read:

1468 1009.26 Fee waivers.—

1469 (9) Each university board of trustees is authorized to
1470 waive tuition and out-of-state fees for purposes that support
1471 and enhance the mission of the university. All fees waived must
1472 be based on policies that are adopted by university boards of
1473 trustees pursuant to regulations ~~rules~~ adopted by the Board of
1474 Governors. Each university shall report the purpose, number, and
1475 value of all fee waivers granted annually in a format prescribed
1476 by the Board of Governors.

1477 Section 23. Paragraph (b) of subsection (1) and paragraph



340164

589-04452-10

1478 (b) of subsection (4) of section 1010.04, Florida Statutes, are
1479 amended to read:

1480 1010.04 Purchasing.—

1481 (1)

1482 (b) Purchases and leases by state universities shall comply
1483 with the requirements of law and regulations ~~rules~~ of the Board
1484 of Governors.

1485 (4)

1486 (b) The Board of Governors may, by regulation ~~rule~~, provide
1487 for alternative procedures for state universities for bidding or
1488 purchasing in cases in which the character of the item requested
1489 renders competitive bidding impractical.

1490 Section 24. Subsection (1) of section 1010.62, Florida
1491 Statutes, is amended to read:

1492 1010.62 Revenue bonds and debt.—

1493 (1) As used in this section, the term:

1494 (a) "Auxiliary enterprise" means any activity defined in s.
1495 1011.47(1) and performed by a university or a direct-support
1496 organization.

1497 (b) ~~(a)~~ "Capital outlay project" means:

1498 1. Any project to acquire, construct, improve, or change
1499 the functional use of land, buildings, and other facilities,
1500 including furniture and equipment necessary to operate a new or
1501 improved building or facility.

1502 2. Any other acquisition of equipment or software.

1503 (c) ~~(b)~~ "Debt" means bonds, except revenue bonds as defined
1504 in paragraph (e) ~~(d)~~, loans, promissory notes, lease-purchase
1505 agreements, certificates of participation, installment sales,
1506 leases, or any other financing mechanism or financial



340164

589-04452-10

1507 arrangement, whether or not a debt for legal purposes, for
1508 financing or refinancing for or on behalf of a state university
1509 or a direct-support organization or for the acquisition,
1510 construction, improvement, or purchase of capital outlay
1511 projects.

1512 (d)~~(e)~~ "Direct-support organization" means an organization
1513 created pursuant to s. 1004.28 or any entity specifically
1514 established to incur debt.

1515 (e)~~(d)~~ "Revenue bonds" means any obligation that
1516 constitutes a revenue bond pursuant to s. 11(d), Art. VII of the
1517 State Constitution.

1518 Section 25. Section 1011.43, Florida Statutes, is amended
1519 to read:

1520 1011.43 Investment of university agency and activity funds;
1521 earnings used for scholarships.—Each university is authorized to
1522 invest available agency and activity funds and to use the
1523 earnings from such investments for student scholarships and
1524 loans. The university board of trustees shall provide procedures
1525 for the administration of these scholarships and loans by
1526 regulations ~~rules~~.

1527 Section 26. Subsection (4) of section 1011.90, Florida
1528 Statutes, is amended to read:

1529 1011.90 State university funding.—

1530 (4) The Board of Governors shall establish and validate a
1531 cost-estimating system consistent with the requirements of
1532 subsection (1) and shall report as part of its legislative
1533 budget request the actual expenditures for the fiscal year
1534 ending the previous June 30. Expenditure analysis, operating
1535 budgets, and annual financial statements of each university must



340164

589-04452-10

1536 be prepared using the standard financial reporting procedures
1537 and formats prescribed by the Board of Governors. These formats
1538 shall be the same as used for the 2000-2001 fiscal year reports.
1539 Any revisions to these financial and reporting procedures and
1540 formats must be approved by the Executive Office of the Governor
1541 and the appropriations committees of the Legislature jointly
1542 under the provisions of s. 216.023(3). The Board of Governors
1543 shall continue to collect and maintain at a minimum ~~the~~
1544 management information ~~databases~~ existing on June 30, 2002. The
1545 expenditure analysis report shall include total expenditures
1546 from all sources for the general operation of the university and
1547 shall be in such detail as needed to support the legislative
1548 budget request.

1549 Section 27. Paragraph (b) of subsection (2) of section
1550 1013.02, Florida Statutes, is amended to read:

1551 1013.02 Purpose; rules and regulations.—

1552 (2)

1553 (b) The Board of Governors shall adopt regulations pursuant
1554 to its regulation development procedure ~~rules pursuant to ss.~~
1555 ~~120.536(1) and 120.54~~ to implement the provisions of this
1556 chapter for state universities.

1557 Section 28. Section 1013.10, Florida Statutes, is amended
1558 to read:

1559 1013.10 Use of buildings and grounds.—The board may permit
1560 the use of educational facilities and grounds for any legal
1561 assembly or for community use centers or may permit the same to
1562 be used as voting places in any primary, regular, or special
1563 election. The board shall adopt rules, regulations, or policies
1564 and procedures necessary to protect educational facilities and



340164

589-04452-10

1565 grounds when used for such purposes.

1566 Section 29. Paragraph (b) of subsection (5) of section
1567 1013.12, Florida Statutes, is amended to read:

1568 1013.12 Casualty, safety, sanitation, and firesafety
1569 standards and inspection of property.—

1570 (5) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION
1571 FACILITIES.—

1572 (b) Firesafety inspections of state universities shall
1573 comply with regulations ~~rules~~ of the Board of Governors.

1574 Section 30. Paragraph (b) of subsection (1) of section
1575 1013.28, Florida Statutes, is amended to read:

1576 1013.28 Disposal of property.—

1577 (1) REAL PROPERTY.—

1578 (b) Subject to regulations ~~rules~~ of the Board of Governors,
1579 a state university board of trustees may dispose of any land or
1580 real property to which it holds valid title which is, by
1581 resolution of the state university board of trustees, determined
1582 to be unnecessary for educational purposes as recommended in an
1583 educational plant survey. A state university board of trustees
1584 shall take diligent measures to dispose of educational property
1585 only in the best interests of the public. However, appraisals
1586 may be obtained by the state university board of trustees prior
1587 to or simultaneously with the receipt of bids.

1588 Section 31. Subsection (22) of section 1013.30, Florida
1589 Statutes, is amended to read:

1590 1013.30 University campus master plans and campus
1591 development agreements.—

1592 (22) In consultation with the state land planning agency,
1593 the Board of Governors shall adopt a single, uniform set of



340164

589-04452-10

1594 regulations ~~rules~~ to administer subsections (3)-(6). The
1595 regulations ~~rules~~ must set specific schedules and procedures for
1596 the development and adoption of campus master plans. Before
1597 adopting the regulations ~~rules~~, the Board of Governors must
1598 obtain written verification from the state land planning agency
1599 that the regulations ~~rules~~ satisfy the minimum statutory
1600 criteria required by subsections (3)-(6). The state land
1601 planning agency shall provide the verification within 45 days
1602 after receiving a copy of the regulations ~~rules~~.

1603 Section 32. Paragraph (b) of subsection (1) of section
1604 1013.31, Florida Statutes, is amended to read:

1605 1013.31 Educational plant survey; localized need
1606 assessment; PECO project funding.—

1607 (1) At least every 5 years, each board shall arrange for an
1608 educational plant survey, to aid in formulating plans for
1609 housing the educational program and student population, faculty,
1610 administrators, staff, and auxiliary and ancillary services of
1611 the district or campus, including consideration of the local
1612 comprehensive plan. The Department of Education shall document
1613 the need for additional career and adult education programs and
1614 the continuation of existing programs before facility
1615 construction or renovation related to career or adult education
1616 may be included in the educational plant survey of a school
1617 district or community college that delivers career or adult
1618 education programs. Information used by the Department of
1619 Education to establish facility needs must include, but need not
1620 be limited to, labor market data, needs analysis, and
1621 information submitted by the school district or community
1622 college.



340164

589-04452-10

1623 (b) *Required need assessment criteria for district,*
1624 *community college, state university, and Florida School for the*
1625 *Deaf and the Blind plant surveys.*—Educational plant surveys must
1626 use uniform data sources and criteria specified in this
1627 paragraph. Each revised educational plant survey and each new
1628 educational plant survey supersedes previous surveys.

1629 1. The school district's survey must be submitted as a part
1630 of the district educational facilities plan defined in s.
1631 1013.35. To ensure that the data reported to the Department of
1632 Education as required by this section is correct, the department
1633 shall annually conduct an onsite review of 5 percent of the
1634 facilities reported for each school district completing a new
1635 survey that year. If the department's review finds the data
1636 reported by a district is less than 95 percent accurate, within
1637 1 year from the time of notification by the department the
1638 district must submit revised reports correcting its data. If a
1639 district fails to correct its reports, the commissioner may
1640 direct that future fixed capital outlay funds be withheld until
1641 such time as the district has corrected its reports so that they
1642 are not less than 95 percent accurate.

1643 2. Each survey of a special facility, joint-use facility,
1644 or cooperative career education facility must be based on
1645 capital outlay full-time equivalent student enrollment data
1646 prepared by the department for school districts and community
1647 colleges and by the Chancellor of the State University System
1648 for universities. A survey of space needs of a joint-use
1649 facility shall be based upon the respective space needs of the
1650 school districts, community colleges, and universities, as
1651 appropriate. Projections of a school district's facility space



340164

589-04452-10

1652 needs may not exceed the norm space and occupant design criteria
1653 established by the State Requirements for Educational
1654 Facilities.

1655 3. Each community college's survey must reflect the
1656 capacity of existing facilities as specified in the inventory
1657 maintained by the Department of Education. Projections of
1658 facility space needs must comply with standards for determining
1659 space needs as specified by rule of the State Board of
1660 Education. The 5-year projection of capital outlay student
1661 enrollment must be consistent with the annual report of capital
1662 outlay full-time student enrollment prepared by the Department
1663 of Education.

1664 4. Each state university's survey must reflect the capacity
1665 of existing facilities as specified in the inventory maintained
1666 and validated by the Chancellor of the State University System.
1667 Projections of facility space needs must be consistent with
1668 standards for determining space needs as specified by regulation
1669 ~~rule~~ of the Board of Governors. The projected capital outlay
1670 full-time equivalent student enrollment must be consistent with
1671 the 5-year planned enrollment cycle for the State University
1672 System approved by the Board of Governors.

1673 5. The district educational facilities plan of a school
1674 district and the educational plant survey of a community
1675 college, state university, or the Florida School for the Deaf
1676 and the Blind may include space needs that deviate from approved
1677 standards for determining space needs if the deviation is
1678 justified by the district or institution and approved by the
1679 department or the Board of Governors, as appropriate, as
1680 necessary for the delivery of an approved educational program.



340164

589-04452-10

1681 Section 33. Section 1013.47, Florida Statutes, is amended
1682 to read:

1683 1013.47 Substance of contract; contractors to give bond;
1684 penalties.—Each board shall develop contracts consistent with
1685 this chapter and statutes governing public facilities. Such a
1686 contract must contain the drawings and specifications of the
1687 work to be done and the material to be furnished, the time limit
1688 in which the construction is to be completed, the time and
1689 method by which payments are to be made upon the contract, and
1690 the penalty to be paid by the contractor for any failure to
1691 comply with the terms of the contract. The board may require the
1692 contractor to pay a penalty for any failure to comply with the
1693 terms of the contract and may provide an incentive for early
1694 completion. Upon accepting a satisfactory bid, the board shall
1695 enter into a contract with the party or parties whose bid has
1696 been accepted. The contractor shall furnish the board with a
1697 performance and payment bond as set forth in s. 255.05. A board
1698 or other public entity may not require a contractor to secure a
1699 surety bond under s. 255.05 from a specific agent or bonding
1700 company. Notwithstanding any other provision of this section, if
1701 25 percent or more of the costs of any construction project is
1702 paid out of a trust fund established pursuant to 31 U.S.C. s.
1703 1243(a)(1), laborers and mechanics employed by contractors or
1704 subcontractors on such construction will be paid wages not less
1705 than those prevailing on similar construction projects in the
1706 locality, as determined by the Secretary of Labor in accordance
1707 with the Davis-Bacon Act, as amended. A person, firm, or
1708 corporation that constructs any part of any educational plant,
1709 or addition thereto, on the basis of any unapproved plans or in



340164

589-04452-10

1710 violation of any plans approved in accordance with the
1711 provisions of this chapter and rules of the State Board of
1712 Education or regulations of the Board of Governors relating to
1713 building standards or specifications is subject to forfeiture of
1714 bond and unpaid compensation in an amount sufficient to
1715 reimburse the board for any costs that will need to be incurred
1716 in making any changes necessary to assure that all requirements
1717 are met and is also guilty of a misdemeanor of the second
1718 degree, punishable as provided in s. 775.082 or s. 775.083, for
1719 each separate violation.

1720 Section 34. Subsection (3) of section 1013.74, Florida
1721 Statutes, is amended to read:

1722 1013.74 University authorization for fixed capital outlay
1723 projects.—

1724 (3) Other than those projects currently authorized, no
1725 project proposed by a university which is to be funded from
1726 Capital Improvement Trust Fund fees or building fees shall be
1727 submitted to the Board of Governors for approval without prior
1728 consultation with the student government association of that
1729 university. The Board of Governors may adopt regulations ~~rules~~
1730 which are consistent with this requirement.

1731 Section 35. (1) Sections 1001.74, 1004.21, 1004.38,
1732 1004.381, 1004.3811, 1004.382, 1004.383, 1004.386, and 1004.64,
1733 Florida Statutes, and subsection (13) of section 1004.22,
1734 Florida Statutes, are repealed.

1735 (2) It is the intent of the Legislature that the repeal of
1736 sections 1004.38, 1004.381, 1004.3811, 1004.382, 1004.383,
1737 1004.386, and 1004.64, Florida Statutes, by this act is to
1738 remove existing statutory authority that is no longer necessary



340164

589-04452-10

1739 for the degree programs and entities that were authorized under
1740 those provisions and does not affect the authority of a state
1741 university or the Board of Governors of the State University
1742 System to continue such programs and entities.

1743 Section 36. Each state university shall identify and submit
1744 to the Board of Governors a list of rules published in Titles
1745 6C1, 6C2, 6C3, 6C4, 6C5, 6C6, 6C7, 6C8, 6C9, 6C10, and 6C11,
1746 Florida Administrative Code, that have been superseded by
1747 regulations adopted by the Board of Governors or the university
1748 board of trustees pursuant to authority under s. 7, Art. IX of
1749 the State Constitution or for which specific statutory authority
1750 to adopt such regulations has been provided under this act. The
1751 Board of Governors shall confirm that the information provided
1752 complies with the provisions of this section and forward the
1753 information to the Department of State along with any rules of
1754 the Board of Governors published in Title 6C that meet the same
1755 criteria. The Department of State may remove from the Florida
1756 Administrative Code on or before June 30, 2011, any rule of a
1757 state university or the Board of Governors that derives purely
1758 from constitutional authority or for which statutory authority
1759 to adopt regulations instead of rules has been provided. If the
1760 Department of State removes a rule from the Florida
1761 Administrative Code pursuant to this section, it shall place a
1762 history note at the rule number indicating the action taken and
1763 referencing this section.

1764 Section 37. This act shall take effect July 1, 2010.