

By the Committee on Higher Education; and Senator Oelrich

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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  
28          duties of the Legislature; deleting a duty relating to  
29          the participation of state universities in the SUNCOM

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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  
57 requirement that certain programs be approved by the  
58 Legislature; amending s. 1004.07, F.S.; requiring the

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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  
86 annual report; prohibiting certain fees from exceeding  
87 a specified amount, being included in certain

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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  
115 the Board of Governors to adopt regulations rather  
116 than rules relating to university campus master plans;

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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.,  
144 relating to a bachelor of science degree program in  
145 long-term care administration at Florida Gulf Coast

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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  
173 probation officers; death benefits.—

174 (5) The State Board of Education ~~or the Board of Governors,~~

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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  
202 information technology projects or initiatives, including, but  
203 not limited to, value of hardware, software, service,

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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  
231 communications services to a state university if requested by  
232 the university. If a SUNCOM Network service does not meet the



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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  
260 universities or state community colleges participating under  
261 this section pursuant to s. 1001.706(7) ~~s. 1001.74(6)~~ or s.

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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  
289 Officer.

290 Section 9. Paragraph (b) of subsection (5) of section

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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  
318 the state which belong to and are part of the executive branch  
319 of state government. This definition of state universities as

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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  
347 board as provided by law.

348 (g)~~7.~~ Adopting strategic plans for the State University

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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  
376 funds be by general law enacted by the Legislature; and s. 1,  
377 Art. IX of the State Constitution, which requires the

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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.

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

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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.

434 (b) The Board of Governors shall be subject to the  
435 provisions of ~~adopt rules pursuant to~~ chapter 120 when acting

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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  
463 OPERATION OF STATE UNIVERSITIES.-

464 (a) The Board of Governors, or the board's designee, shall



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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.

492 (g) The Board of Governors, or the board's designee, shall  
493 adopt a written antihazing policy, appropriate penalties for

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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.

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.

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

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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)~~(e)~~ 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  
 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

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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,  
608 and to all real property acquired with funds appropriated by the  
609 Legislature shall be vested in the Board of Trustees of the

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

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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.

666 3. This paragraph is not intended to abrogate in any manner  
667 the authority delegated to the Board of Trustees of the Internal

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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,  
695 representatives of the community college boards of trustees,  
696 representatives of the private colleges and universities, and



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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.

724 (f) Two representatives of the business community, one  
725 appointed by the President of the Senate and one appointed by

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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:

753 1004.03 Program approval.—

754 (1) The Board of Governors shall establish criteria for the

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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~~  
782 ~~on undergraduate education.~~

783           ~~3. The regional need and demand for the program was~~

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

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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  
840 imposed only for acts or omissions in violation of rules or  
841 regulations adopted by the institution, including rules or

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

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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.

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

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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  
927 establish tuition for graduate and professional programs, and  
928 out-of-state fees for all programs. Except as otherwise provided



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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  
956 and the 5 percent cap imposed by this subsection. Any such  
957 increase must be approved by the athletic fee committee in the

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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  
985 receiving a full fellowship.

986 (6) Students who are enrolled in Programs in Medical

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

1015 (9) Each university board of trustees is authorized to

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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  
1043 trustees. An increase in the activity and service fee may occur  
1044 only once each fiscal year and must be implemented beginning

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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  
1072 and service fees. Unexpended funds and undisbursed funds  
1073 remaining at the end of a fiscal year shall be carried over and

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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  
1101 appointed by the university president. A chairperson, appointed  
1102 jointly by the university president and the student body

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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  
1130 registration; a service charge, which may not exceed \$15, for  
1131 the payment of tuition and fees in installments; and a late-

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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  
1159 materials or supplies that are consumed in the course of the  
1160 student's instructional activities, excluding the cost of



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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~~  
1188 ~~credit hour, beginning with the fall term of the 2009-2010~~  
1189 ~~academic year. The revenue from this fee shall be used to~~

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

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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.

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

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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.

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

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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  
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

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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  
1333 students who graduate with excess hours. This expenditure for  
1334 undergraduate education may not be used to pay the salaries of

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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  
1362 total charged for the aggregate sum of these fees in the  
1363 preceding fiscal year. For each state university that has total

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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  
1391 take effect with the 2009 fall term.

1392 (c) A university board of trustees may submit a proposal to



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

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

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

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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  
1507 arrangement, whether or not a debt for legal purposes, for  
1508 financing or refinancing for or on behalf of a state university

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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  
1536 be prepared using the standard financial reporting procedures  
1537 and formats prescribed by the Board of Governors. These formats

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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  
1565 grounds when used for such purposes.

1566 Section 29. Paragraph (b) of subsection (5) of section

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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  
1594 regulations ~~rules~~ to administer subsections (3)-(6). The  
1595 regulations ~~rules~~ must set specific schedules and procedures for

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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.

1623 (b) *Required need assessment criteria for district,*  
1624 *community college, state university, and Florida School for the*



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

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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.

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

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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  
1710 violation of any plans approved in accordance with the  
1711 provisions of this chapter and rules of the State Board of

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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  
1739 for the degree programs and entities that were authorized under  
1740 those provisions and does not affect the authority of a state

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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.