

## ENROLLED

HB 7237, Engrossed 1

2010 Legislature

1 A bill to be entitled  
2 An act relating to postsecondary education; amending s.  
3 110.181, F.S.; conforming a cross-reference to changes  
4 made by the act; amending ss. 112.19 and 112.191, F.S.;  
5 requiring the Board of Governors of the State University  
6 System to adopt regulations rather than rules to implement  
7 certain educational benefits; amending s. 120.81, F.S.;  
8 providing that state universities are not required to file  
9 certain documents with the Administrative Procedures  
10 Committee; amending s. 282.0041, F.S.; revising  
11 definitions relating to information technology services to  
12 conform to changes made by the act; amending s. 282.703,  
13 F.S.; revising provisions relating to the participation of  
14 state universities in the SUNCOM Network; amending s.  
15 282.706, F.S.; revising provisions relating to the use of  
16 the SUNCOM Network by state university libraries; amending  
17 s. 287.064, F.S.; conforming a cross-reference to changes  
18 made by the act; amending s. 1000.05, F.S.; requiring the  
19 Board of Governors to adopt regulations rather than rules  
20 relating to discrimination; amending s. 1001.705, F.S.;  
21 revising provisions relating to responsibility for the  
22 State University System under the State Constitution;  
23 deleting legislative findings and intent; providing the  
24 constitutional duties of the Board of Governors; providing  
25 the constitutional duties of the Legislature; deleting a  
26 duty relating to the participation of state universities  
27 in the SUNCOM Network; amending s. 1001.706, F.S.;  
28 revising powers and duties of the Board of Governors;

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29 providing that the Board of Governors has the authority to  
30 regulate the State University System and may adopt a  
31 regulation development procedure for the board and  
32 university boards of trustees to use in implementing their  
33 constitutional duties and responsibilities; authorizing  
34 the Board of Governors or its designee to adopt  
35 regulations; providing requirements for the regulation  
36 development procedure; providing requirements for judicial  
37 review of certain challenges; revising the Board of  
38 Governors' powers and duties relating to accountability  
39 and personnel; providing legislative intent that the Board  
40 of Governors align the missions of universities with  
41 certain factors; providing requirements for a mission  
42 alignment and strategic plan; affording opportunities to  
43 certain universities; amending s. 1001.72, F.S.; providing  
44 that the board of trustees is the university's contracting  
45 agent; creating s. 1004.015, F.S.; creating the Higher  
46 Education Coordinating Council; providing for membership;  
47 providing guiding principles for council recommendations  
48 to the Legislature, State Board of Education, and Board of  
49 Governors; amending s. 1004.03, F.S.; revising provisions  
50 relating to review and approval of new programs at state  
51 universities by the Board of Governors; requiring an  
52 annual report of the review of proposed new programs;  
53 eliminating the requirement that certain programs be  
54 approved by the Legislature; amending s. 1004.07, F.S.;  
55 requiring the Board of Governors to adopt regulations  
56 rather than rules relating to student withdrawal from

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

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85 requiring the Board of Governors to adopt regulations;  
86 amending s. 1009.26, F.S.; requiring the Board of  
87 Governors to adopt regulations rather than rules relating  
88 to fee waivers; amending s. 1010.04, F.S.; providing that  
89 the Board of Governors shall adopt regulations rather than  
90 rules for purchases and leases; amending s. 1010.62, F.S.;  
91 defining the term "auxiliary enterprise" for purposes of  
92 revenue bonds and debt; amending s. 1011.43, F.S.;  
93 requiring university boards of trustees to adopt  
94 regulations rather than rules for administration of  
95 certain scholarships and loans; amending s. 1011.90, F.S.;  
96 revising provisions relating to management information  
97 maintained by the Board of Governors; amending s. 1013.02,  
98 F.S.; requiring the Board of Governors to adopt  
99 regulations rather than rules to implement provisions of  
100 law relating to educational facilities; amending s.  
101 1013.10, F.S.; authorizing regulations for the use of  
102 educational buildings and grounds; amending ss. 1013.12  
103 and 1013.28, F.S.; requiring the Board of Governors to  
104 adopt regulations rather than rules relating to firesafety  
105 inspections and disposal of real property; amending s.  
106 1013.30, F.S.; requiring the Board of Governors to adopt  
107 regulations rather than rules relating to university  
108 campus master plans; amending s. 1013.31, F.S.; requiring  
109 the Board of Governors to adopt regulations rather than  
110 rules for determining facility space needs; amending s.  
111 1013.47, F.S.; requiring the Board of Governors to adopt  
112 regulations rather than rules relating to building

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113 standards; amending s. 1013.74, F.S.; authorizing the  
 114 Board of Governors to adopt regulations rather than rules  
 115 relating to authorization for fixed capital outlay  
 116 projects; repealing s. 1001.74, F.S., relating to powers  
 117 and duties of university boards of trustees; repealing s.  
 118 1004.21, F.S., relating to general provisions for state  
 119 universities; repealing s. 1004.22(13), F.S., relating to  
 120 rulemaking by a university board of trustees with respect  
 121 to divisions of sponsored research; repealing s. 1004.38,  
 122 F.S., relating to the master of science program in speech-  
 123 language pathology at Florida International University;  
 124 repealing s. 1004.381, F.S., relating to the bachelor of  
 125 science nursing degree program at the University of West  
 126 Florida; repealing s. 1004.3811, F.S., relating to the  
 127 master of science degree programs in nursing and social  
 128 work at the University of West Florida; repealing s.  
 129 1004.382, F.S., relating to the master's in social work  
 130 program at Florida Atlantic University; repealing s.  
 131 1004.383, F.S., relating to a chiropractic medicine degree  
 132 program at Florida State University; repealing s.  
 133 1004.386, F.S., relating to a bachelor of science degree  
 134 program in long-term care administration at Florida Gulf  
 135 Coast University; repealing s. 1004.64, F.S., relating to  
 136 the School of Engineering at Florida Gulf Coast University  
 137 and specified bachelor's degrees; providing legislative  
 138 intent for the repeal of certain sections; requiring each  
 139 state university to identify and submit to the Board of  
 140 Governors a list of certain rules that have been

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141           superseded by regulations; providing for submission of  
 142           such rules and certain rules of the Board of Governors to  
 143           the Department of State; authorizing the Department of  
 144           State to remove rules from the Florida Administrative  
 145           Code; providing an effective date.

146  
 147 Be It Enacted by the Legislature of the State of Florida:  
 148

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

151           110.181 Florida State Employees' Charitable Campaign.—

152           (5) PARTICIPATION OF STATE UNIVERSITIES.—Each university  
 153 may elect to participate in the Florida State Employees'  
 154 Charitable Campaign, upon timely notice to the department. Each  
 155 university may also conduct annual charitable fundraising drives  
 156 for employees under the authority granted in s. ss. 1001.706 ~~and~~  
 157 ~~1001.74.~~

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

160           112.19 Law enforcement, correctional, and correctional  
 161 probation officers; death benefits.—

162           (5) The State Board of Education ~~or the Board of~~  
 163 ~~Governors, as appropriate,~~ shall adopt rules and procedures, and  
 164 the Board of Governors shall adopt regulations and procedures,  
 165 as are appropriate and necessary to implement the educational  
 166 benefits provisions of this section.

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

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169 112.191 Firefighters; death benefits.—

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

175 Section 4. Paragraph (e) of subsection (1) of section  
 176 120.81, Florida Statutes, is amended to read:

177 120.81 Exceptions and special requirements; general  
 178 areas.—

179 (1) EDUCATIONAL UNITS.—

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

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

186 282.0041 Definitions.—As used in this chapter, the term:

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

190 (26) "Total cost" means all costs associated with  
 191 information technology projects or initiatives, including, but  
 192 not limited to, value of hardware, software, service,  
 193 maintenance, incremental personnel, and facilities. Total cost  
 194 of a loan or gift of information technology resources to an  
 195 agency includes the fair market value of the resources; ~~however,~~  
 196 ~~the total cost of loans or gifts of information technology to~~

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197 ~~state universities to be used in instruction or research does~~  
 198 ~~not include fair market value.~~

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

202 282.703 SUNCOM Network; exemptions from the required use.—

203 (1) There is created within the department the SUNCOM  
 204 Network, which shall be developed to serve as the state  
 205 communications system for providing local and long-distance  
 206 communications services to state agencies, political  
 207 subdivisions of the state, municipalities, ~~state universities,~~  
 208 and nonprofit corporations pursuant to this part. The SUNCOM  
 209 Network shall be developed to transmit all types of  
 210 communications signals, including, but not limited to, voice,  
 211 data, video, image, and radio. State agencies shall cooperate  
 212 and assist in the development and joint use of communications  
 213 systems and services.

214 (3) All state agencies ~~and state universities~~ shall use  
 215 the SUNCOM Network for agency ~~and state university~~  
 216 communications services as the services become available;  
 217 however, no agency ~~or university~~ is relieved of responsibility  
 218 for maintaining communications services necessary for effective  
 219 management of its programs and functions. The department may  
 220 provide such communications services to a state university if  
 221 requested by the university. If a SUNCOM Network service does  
 222 not meet the communications requirements of an agency ~~or~~  
 223 ~~university,~~ the agency ~~or university~~ shall notify the department  
 224 in writing and detail the requirements for that communications



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225 service. If the department is unable to meet an agency's ~~or~~  
 226 ~~university's~~ requirements by enhancing SUNCOM Network service,  
 227 the department may grant the agency ~~or university~~ an exemption  
 228 from the required use of specified SUNCOM Network services.

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

231 Section 7. Section 282.706, Florida Statutes, is amended  
 232 to read:

233 282.706 Use of SUNCOM Network by libraries.—The department  
 234 may provide SUNCOM Network services to any library in the state,  
 235 including libraries in public schools, community colleges, state  
 236 universities, and nonprofit private postsecondary educational  
 237 institutions, and libraries owned and operated by municipalities  
 238 and political subdivisions. This section may not be construed to  
 239 require a state university library to use SUNCOM Network  
 240 services.

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

243 287.064 Consolidated financing of deferred-payment  
 244 purchases.—

245 (1) The Division of Bond Finance of the State Board of  
 246 Administration and the Chief Financial Officer shall plan and  
 247 coordinate deferred-payment purchases made by or on behalf of  
 248 the state or its agencies or by or on behalf of state  
 249 universities or state community colleges participating under  
 250 this section pursuant to s. 1001.706(7) ~~s. 1001.74(6)~~ or s.  
 251 1001.64(26), respectively. The Division of Bond Finance shall  
 252 negotiate and the Chief Financial Officer shall execute

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253 | agreements and contracts to establish master equipment financing  
 254 | agreements for consolidated financing of deferred-payment,  
 255 | installment sale, or lease purchases with a financial  
 256 | institution or a consortium of financial institutions. As used  
 257 | in this act, the term "deferred-payment" includes installment  
 258 | sale and lease-purchase.

259 |         (a) The period during which equipment may be acquired  
 260 | under any one master equipment financing agreement shall be  
 261 | limited to not more than 3 years.

262 |         (b) Repayment of the whole or a part of the funds drawn  
 263 | pursuant to the master equipment financing agreement may  
 264 | continue beyond the period established pursuant to paragraph  
 265 | (a).

266 |         (c) The interest rate component of any master equipment  
 267 | financing agreement shall be deemed to comply with the interest  
 268 | rate limitation imposed in s. 287.063 so long as the interest  
 269 | rate component of every interagency, state university, or  
 270 | community college agreement entered into under such master  
 271 | equipment financing agreement complies with the interest rate  
 272 | limitation imposed in s. 287.063. Such interest rate limitation  
 273 | does not apply when the payment obligation under the master  
 274 | equipment financing agreement is rated by a nationally  
 275 | recognized rating service in any one of the three highest  
 276 | classifications, which rating services and classifications are  
 277 | determined pursuant to rules adopted by the Chief Financial  
 278 | Officer.

279 |         Section 9. Paragraph (b) of subsection (5) of section  
 280 | 1000.05, Florida Statutes, is amended to read:

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281           1000.05 Discrimination against students and employees in  
 282 the Florida K-20 public education system prohibited; equality of  
 283 access required.—

284           (5)

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

287           Section 10. Section 1001.705, Florida Statutes, is amended  
 288 to read:

289           1001.705 Responsibility for the State University System  
 290 under s. 7, Art. IX of the State Constitution; ~~legislative~~  
 291 ~~finding and intent.~~—

292           ~~(1) LEGISLATIVE FINDINGS.—~~

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

294           (a)1. "Board of Governors" as it relates to the State  
 295 University System and as used in s. 7, Art. IX of the State  
 296 Constitution and Title XLVIII and other sections of the Florida  
 297 Statutes is the Board of Governors of the State University  
 298 System which belongs to and is part of the executive branch of  
 299 state government.

300           (b)2. "Institutions of higher learning" as used in the  
 301 State Constitution and the Florida Statutes includes publicly  
 302 funded state universities.

303           (c)3. "Public officer" as used in the Florida Statutes  
 304 includes members of the Board of Governors.

305           (d)4. "State university" or "state universities" as used  
 306 in the State Constitution and the Florida Statutes are agencies  
 307 of the state which belong to and are part of the executive  
 308 branch of state government. This definition of state

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309 universities as state agencies is only for the purposes of the  
 310 delineation of constitutional lines of authority. Statutory  
 311 exemptions for state universities from statutory provisions  
 312 relating to state agencies that are in effect on the effective  
 313 date of this act remain in effect and are not repealed by virtue  
 314 of this definition of state universities.

315 (2)~~(b)~~ CONSTITUTIONAL DUTIES OF THE BOARD OF GOVERNORS OF  
 316 THE STATE UNIVERSITY SYSTEM.—In accordance with s. 7, Art. IX of  
 317 the State Constitution, the Board of Governors of the State  
 318 University System has the duty to operate, regulate, control,  
 319 and be fully responsible for the management of the whole  
 320 publicly funded State University System and the board, or the  
 321 board's designee, has responsibility for:

322 (a)~~1.~~ Defining the distinctive mission of each constituent  
 323 university.

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

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

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

331 (e)~~5.~~ Accounting for expenditure of funds appropriated by  
 332 the Legislature for the State University System as provided by  
 333 law.

334 (f)~~6.~~ Submitting a budget request for legislative  
 335 appropriations for the institutions under the supervision of the  
 336 board as provided by law.

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

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

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

342        (j)~~10.~~ Serving as the public employer to all public  
 343 employees of state universities for collective bargaining  
 344 purposes.

345        (k)~~11.~~ Establishing a personnel system for all state  
 346 university employees; however, the Department of Management  
 347 Services shall retain authority over state university employees  
 348 for programs established in ss. 110.123, 110.1232, 110.1234,  
 349 110.1238, and 110.161, and in chapters 121, 122, and 238.

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

353        (3)~~(e)~~ CONSTITUTIONAL DUTIES OF THE LEGISLATURE.—In  
 354 accordance with s. 3, Art. II of the State Constitution, which  
 355 establishes the separation of powers of three branches of  
 356 government; s. 1, Art. III of the State Constitution, which  
 357 vests the legislative power of the state in the Legislature; s.  
 358 8, Art. III of the State Constitution, which provides the  
 359 exclusive executive veto power of the Governor and the exclusive  
 360 veto override power of the Legislature; s. 19, Art. III of the  
 361 State Constitution, which requires the Legislature to enact  
 362 state planning and budget processes and requirements for budget  
 363 requests by general law; s. 1, Art. VII of the State  
 364 Constitution, which requires that the authority to expend state

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365 funds be by general law enacted by the Legislature; and s. 1,  
 366 Art. IX of the State Constitution, which requires the  
 367 Legislature to make adequate provision by law for the  
 368 "establishment, maintenance, and operation of institutions of  
 369 higher learning," the Legislature has the following  
 370 responsibilities:

371 (a)~~1.~~ Making provision by law for the establishment,  
 372 maintenance, and operation of institutions of higher learning  
 373 and other public education programs that the needs of the people  
 374 may require.

375 (b)~~2.~~ Appropriating all state funds through the General  
 376 Appropriations Act or other law.

377 (c)~~3.~~ Establishing tuition and fees.

378 (d)~~4.~~ Establishing policies relating to merit and need-  
 379 based student financial aid.

380 (e)~~5.~~ Establishing policies relating to expenditure of,  
 381 accountability for, and management of funds appropriated by the  
 382 Legislature or revenues authorized by the Legislature. This  
 383 includes, but is not limited to, policies relating to:  
 384 budgeting; deposit of funds; investments; accounting;  
 385 purchasing, procurement, and contracting; insurance; audits;  
 386 maintenance and construction of facilities; property; bond  
 387 financing; leasing; and information reporting.

388 (f)~~6.~~ Maintaining the actuarial and fiscal soundness of  
 389 centrally administered state systems by requiring state  
 390 universities to continue to participate in programs such as the  
 391 Florida Retirement System, the state group health insurance  
 392 programs, ~~the state telecommunications and data network~~

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393 ~~(SUNCOM),~~ and the state casualty insurance program.

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

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

400 ~~(2) LEGISLATIVE INTENT.—It is the intent of the~~  
 401 ~~Legislature to reenact laws relating to the Board of Governors~~  
 402 ~~of the State University System, the university boards of~~  
 403 ~~trustees, the State Board of Education, and the postsecondary~~  
 404 ~~education system in accordance with the findings of this act.~~

405 Section 11. Section 1001.706, Florida Statutes, is amended  
 406 to read:

407 1001.706 Powers and duties of the Board of Governors.—

408 (1) GENERAL PROVISIONS.—

409 ~~(a)~~ For each constituent university, the Board of  
 410 Governors, or the board's designee, shall be responsible for  
 411 cost-effective policy decisions appropriate to the university's  
 412 mission, the implementation and maintenance of high-quality  
 413 education programs within law, the measurement of performance,  
 414 the reporting of information, and the provision of input  
 415 regarding state policy, budgeting, and education standards.

416 (2) REGULATORY AUTHORITY.—

417 (a) Pursuant to s. 7, Art. IX of the State Constitution,  
 418 the Board of Governors has the authority to regulate the State  
 419 University System and may adopt a regulation development  
 420 procedure for the Board of Governors and the university boards

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421 of trustees to use in implementing their constitutional duties  
 422 and responsibilities.

423 (b) The Board of Governors shall be subject to the  
 424 provisions of ~~adopt rules pursuant to~~ chapter 120 when acting  
 425 pursuant to statutory authority derived from the Legislature,  
 426 except that, the Board of Governors may adopt regulations if  
 427 expressly authorized or required by law ~~rules pursuant to~~  
 428 ~~chapter 120 when exercising the powers, duties, and authority~~  
 429 ~~granted by s. 7, Art. IX of the State Constitution.~~ Such  
 430 regulations must be adopted pursuant to a development procedure  
 431 that complies with paragraph (c). If the Board of Governors  
 432 delegates a power or duty to a university board of trustees as  
 433 the designee, the authority to adopt rules or regulations is  
 434 included in the delegation. If the Board of Governors delegates  
 435 a statutory power or duty to a university board of trustees, the  
 436 university board of trustees shall be subject to the provisions  
 437 of chapter 120 but may adopt regulations to the same extent as  
 438 the Board of Governors under this subsection.

439 (c) The development procedure for regulations authorized  
 440 or required by law must provide for notice to the public of, and  
 441 an opportunity for public comment on, the proposed adoption,  
 442 amendment, or repeal of a regulation; a process for a  
 443 substantially affected person to challenge a statement of  
 444 general applicability that has not been properly adopted as a  
 445 regulation; a process for a substantially affected person to  
 446 challenge an unlawful regulation; and a process for the adoption  
 447 of and challenges to emergency regulations that are necessary to  
 448 protect the public interest in the emergency. Judicial review



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449 shall be sought in the appellate district in which the  
 450 headquarters of the Board of Governors is located or in which  
 451 the main campus of the state university is located, as  
 452 applicable. The regulation development procedure shall be  
 453 published prominently on the websites of the Board of Governors  
 454 and the state universities.

455 (3)~~(2)~~ POWERS AND DUTIES RELATING TO ORGANIZATION AND  
 456 OPERATION OF STATE UNIVERSITIES.—

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

461 (b) The Board of Governors shall develop guidelines  
 462 relating to divisions of sponsored research, pursuant to the  
 463 provisions of s. 1004.22, to serve the function of  
 464 administration and promotion of the programs of research.

465 (c) The Board of Governors shall prescribe conditions for  
 466 direct-support organizations and university health services  
 467 support organizations to be certified and to use university  
 468 property and services. Conditions relating to certification must  
 469 provide for audit review and oversight by the Board of  
 470 Governors.

471 (d) The Board of Governors shall develop guidelines for  
 472 supervising faculty practice plans for the academic health  
 473 science centers.

474 (e) The Board of Governors shall ensure that students at  
 475 state universities have access to general education courses as  
 476 provided in the statewide articulation agreement, pursuant to s.

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477 1007.23.

478 (f) The Board of Governors shall approve baccalaureate  
 479 degree programs that require more than 120 semester credit hours  
 480 of coursework prior to such programs being offered by a state  
 481 university. At least half of the required coursework for any  
 482 baccalaureate degree must be offered at the lower-division  
 483 level, except in program areas approved by the Board of  
 484 Governors.

485 (g) The Board of Governors, or the board's designee, shall  
 486 adopt a written antihazing policy, appropriate penalties for  
 487 violations of such policy, and a program for enforcing such  
 488 policy.

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

498 (4)~~(3)~~ POWERS AND DUTIES RELATING TO FINANCE.—

499 (a) The Board of Governors, or the board's designee, shall  
 500 account for expenditures of all state, local, federal, and other  
 501 funds. Such accounting systems shall have appropriate audit and  
 502 internal controls in place that will enable the constituent  
 503 universities to satisfactorily and timely perform all accounting  
 504 and reporting functions required by state and federal law and

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505 rules.

506 (b) The Board of Governors shall prepare the legislative  
 507 budget requests for the State University System, including a  
 508 request for fixed capital outlay, and submit them to the State  
 509 Board of Education for inclusion in the K-20 legislative budget  
 510 request. The Board of Governors shall provide the state  
 511 universities with fiscal policy guidelines, formats, and  
 512 instruction for the development of individual university budget  
 513 requests.

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

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

519 ~~(5)~~ ~~(4)~~ POWERS AND DUTIES RELATING TO ACCOUNTABILITY.—

520 (a) The Legislature intends that the Board of Governors  
 521 shall align the missions of each constituent university with the  
 522 academic success of its students; the national reputation of its  
 523 faculty and its academic and research programs; the quantity of  
 524 externally generated research, patents, and licenses; and the  
 525 strategic and accountability plans required in paragraphs (b)  
 526 and (c). The mission alignment and strategic plan shall consider  
 527 peer institutions at the constituent universities. The mission  
 528 alignment and strategic plan shall acknowledge that universities  
 529 that have a national and international impact have the greatest  
 530 capacity to promote the state's economic development through:  
 531 new discoveries, patents, licenses, and technologies that  
 532 generate state businesses of global importance; research

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533 achievements through external grants and contracts that are  
534 comparable to nationally recognized and ranked universities; the  
535 creation of a resource rich academic environment that attracts  
536 high-technology business and venture capital to the state; and  
537 this generation's finest minds focusing on solving the state's  
538 economic, social, environmental, and legal problems in the areas  
539 of life sciences, water, sustainability, energy, and health  
540 care. A nationally recognized and ranked university that has a  
541 global perspective and impact shall be afforded the opportunity  
542 to enable and protect the university's competitiveness on the  
543 global stage in fair competition with other institutions of  
544 other states in the highest Carnegie Classification.

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

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

551 (d)~~(e)~~ The Board of Governors shall maintain an effective  
552 information system to provide accurate, timely, and cost-  
553 effective information about each university. The board shall  
554 continue to collect and maintain, at a minimum, ~~the~~ management  
555 information ~~databases~~ as such information ~~databases~~ existed on  
556 June 30, 2002.

557 (e)~~(d)~~ If the Board of Governors of the State University  
558 System determines that a state university board of trustees is  
559 unwilling or unable to address substantiated allegations made by  
560 any person relating to waste, fraud, or financial mismanagement

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561 within the state university, the Office of the Inspector General  
 562 shall investigate the allegations.

563 ~~(6)~~~~(5)~~ POWERS AND DUTIES RELATING TO PERSONNEL.—

564 (a) The Board of Governors, or the board's designee, shall  
 565 establish the personnel program for all employees of a state  
 566 university. The Board of Governors shall confirm the  
 567 presidential selection by a university board of trustees as a  
 568 means of acknowledging that system cooperation is expected  
 569 ~~except the president.~~

570 (b) The Department of Management Services shall retain  
 571 authority over state university employees for programs  
 572 established in ss. 110.123, 110.1232, 110.1234, 110.1238, and  
 573 110.161 and in chapters 121, 122, and 238. Unless specifically  
 574 authorized by law, neither the Board of Governors nor a state  
 575 university may offer group insurance programs for employees as a  
 576 substitute for or as an alternative to the health insurance  
 577 programs offered pursuant to chapter 110.

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

582 (d) The Board of Governors, or the board's designee, may  
 583 not enter into an employment contract that requires it ~~the board~~  
 584 to pay an employee an amount from state funds in excess of 1  
 585 year of the employee's annual salary for termination, buyout, or  
 586 any other type of contract settlement. This paragraph does not  
 587 prohibit the payment of leave and benefits accrued by the  
 588 employee in accordance with the board's or designee's leave and

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589 | benefits policies before the contract terminates.

590 | (7)~~(6)~~ POWERS AND DUTIES RELATING TO PROPERTY.—

591 | (a) The Board of Governors shall develop guidelines for  
 592 | university boards of trustees relating to the acquisition of  
 593 | real and personal property and the sale and disposal thereof and  
 594 | the approval and execution of contracts for the purchase, sale,  
 595 | lease, license, or acquisition of commodities, goods, equipment,  
 596 | contractual services, leases of real and personal property, and  
 597 | construction. The acquisition may include purchase by  
 598 | installment or lease-purchase. Such contracts may provide for  
 599 | payment of interest on the unpaid portion of the purchase price.  
 600 | Title to all real property acquired prior to January 7, 2003,  
 601 | and to all real property acquired with funds appropriated by the  
 602 | Legislature shall be vested in the Board of Trustees of the  
 603 | Internal Improvement Trust Fund and shall be transferred and  
 604 | conveyed by it. Notwithstanding any other provisions of this  
 605 | subsection, each board of trustees shall comply with the  
 606 | provisions of s. 287.055 for the procurement of professional  
 607 | services as defined therein. Any acquisition pursuant to this  
 608 | paragraph is subject to the provisions of s. 1010.62.

609 | (b) The Board of Governors shall develop guidelines for  
 610 | university boards of trustees relating to the use, maintenance,  
 611 | protection, and control of university-owned or university-  
 612 | controlled buildings and grounds, property and equipment, name,  
 613 | trademarks and other proprietary marks, and the financial and  
 614 | other resources of the university. Such authority may include  
 615 | placing restrictions on activities and on access to facilities,  
 616 | firearms, food, tobacco, alcoholic beverages, distribution of

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617 printed materials, commercial solicitation, animals, and sound.  
618 The authority provided the board of trustees in this subsection  
619 includes the prioritization of the use of space, property,  
620 equipment, and resources and the imposition of charges for those  
621 items.

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

625 (d) The Board of Governors, or the board's designee, shall  
626 ensure compliance with the provisions of s. 287.09451 for all  
627 procurement and ss. 255.101 and 255.102 for construction  
628 contracts, and rules adopted pursuant thereto, relating to the  
629 utilization of minority business enterprises, except that  
630 procurements costing less than the amount provided for in  
631 CATEGORY FIVE as provided in s. 287.017 shall not be subject to  
632 s. 287.09451.

633 (e) Notwithstanding the provisions of s. 253.025 but  
634 subject to the provisions of s. 1010.62, the Board of Governors,  
635 or the board's designee, may, with the consent of the Board of  
636 Trustees of the Internal Improvement Trust Fund, sell, convey,  
637 transfer, exchange, trade, or purchase real property and related  
638 improvements necessary and desirable to serve the needs and  
639 purposes of the university.

640 1. The Board of Governors, or the board's designee, may  
641 secure appraisals and surveys. The Board of Governors, or the  
642 board's designee, shall comply with the rules of the Board of  
643 Trustees of the Internal Improvement Trust Fund in securing  
644 appraisals. Whenever the Board of Governors, or the board's

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645 | designee, finds it necessary for timely property acquisition, it  
646 | may contract, without the need for competitive selection, with  
647 | one or more appraisers whose names are contained on the list of  
648 | approved appraisers maintained by the Division of State Lands in  
649 | the Department of Environmental Protection.

650 |         2. The Board of Governors, or the board's designee, may  
651 | negotiate and enter into an option contract before an appraisal  
652 | is obtained. The option contract must state that the final  
653 | purchase price may not exceed the maximum value allowed by law.  
654 | The consideration for such an option contract may not exceed 10  
655 | percent of the estimate obtained by the Board of Governors, or  
656 | the board's designee, or 10 percent of the value of the parcel,  
657 | whichever is greater, unless otherwise authorized by the Board  
658 | of Governors or the board's designee.

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

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

671 |         (g) The Board of Governors, or the board's designee, shall  
672 | prepare, adopt, and execute a campus development agreement



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673 pursuant to s. 1013.30.

674 (h) Notwithstanding the provisions of s. 216.351, the  
 675 Board of Governors, or the board's designee, may authorize the  
 676 rent or lease of parking facilities provided that such  
 677 facilities are funded through parking fees or parking fines  
 678 imposed by a university. The Board of Governors, or the board's  
 679 designee, may authorize a university board of trustees to charge  
 680 fees for parking at such rented or leased parking facilities.

681 (8)~~(7)~~ COMPLIANCE WITH LAWS, RULES, REGULATIONS, AND  
 682 REQUIREMENTS.—The Board of Governors has responsibility for  
 683 compliance with state and federal laws, rules, regulations, and  
 684 requirements.

685 (9)~~(8)~~ COOPERATION WITH OTHER BOARDS.—The Board of  
 686 Governors shall implement a plan for working on a regular basis  
 687 with the State Board of Education, the Commission for  
 688 Independent Education, the university boards of trustees,  
 689 representatives of the community college boards of trustees,  
 690 representatives of the private colleges and universities, and  
 691 representatives of the district school boards to achieve a  
 692 seamless education system.

693 (10)~~(9)~~ The Board of Governors is prohibited from  
 694 assessing any fee on state universities, unless specifically  
 695 authorized by law.

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

698 1001.72 University boards of trustees; boards to  
 699 constitute a corporation.—

700 (3) Each board of trustees constitutes the contracting

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701 agent of the university.  
 702 Section 13. Section 1004.015, Florida Statutes, is created  
 703 to read:  
 704 1004.015 Higher Education Coordinating Council.—  
 705 (1) The Higher Education Coordinating Council is created  
 706 for the purposes of identifying unmet needs and facilitating  
 707 solutions to disputes regarding the creation of new degree  
 708 programs and the establishment of new institutes, campuses, or  
 709 centers.  
 710 (2) Members of the council shall include:  
 711 (a) The Commissioner of Education.  
 712 (b) The Chancellor of the State University System.  
 713 (c) The Chancellor of the Florida College System.  
 714 (d) The executive director of the Commission for  
 715 Independent Education.  
 716 (e) The president of the Independent Colleges and  
 717 Universities of Florida.  
 718 (f) Two representatives of the business community, one  
 719 appointed by the President of the Senate and one appointed by  
 720 the Speaker of the House of Representatives, who are committed  
 721 to developing and enhancing world class workforce infrastructure  
 722 necessary for Florida's citizens to compete and prosper in the  
 723 ever-changing economy of the 21st century.  
 724 (3) The council shall serve as an advisory board to the  
 725 Legislature, the State Board of Education, and the Board of  
 726 Governors. Recommendations of the council shall be consistent  
 727 with the following guiding principles:

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728           (a) To achieve within existing resources a seamless  
 729 academic educational system that fosters an integrated continuum  
 730 of kindergarten through graduate school education for Florida's  
 731 students.

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

734           (c) To promote substantially improved articulation across  
 735 all educational delivery systems.

736           (d) To promote a system that maximizes educational access  
 737 and allows the opportunity for a high-quality education for all  
 738 Floridians.

739           (e) To promote a system of coordinated and consistent  
 740 transfer of credit and data collection for improved  
 741 accountability purposes between the educational delivery  
 742 systems.

743           (4) The Board of Governors shall provide administrative  
 744 support for the council.

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

747           1004.03 Program approval.—

748           (1) The Board of Governors shall establish criteria for  
 749 the review and approval of proposed new programs at state  
 750 universities to ensure the well-planned development,  
 751 coordination, and operation of the State University System and  
 752 to avoid wasteful duplication of facilities or programs. The  
 753 Board of Governors shall submit an annual report to the  
 754 President of the Senate, the Speaker of the House of  
 755 Representatives, and the Governor listing the reviews conducted

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756 and the results of each review. ~~that will receive any support~~  
757 ~~from tuition and fees assessed pursuant to s. 1009.24 or from~~  
758 ~~funds appropriated by the Legislature through the General~~  
759 ~~Appropriations Act or other law. These criteria include, but are~~  
760 ~~not limited to, the following:~~

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

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

765 ~~(c) Cooperative programs, particularly within regions,~~  
766 ~~should be encouraged.~~

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

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

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

775 ~~2. The addition of the program will not alter the emphasis~~  
776 ~~on undergraduate education.~~

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

779 ~~(3) New colleges, schools, or functional equivalents of~~  
780 ~~any program that leads to a degree that is offered as a~~  
781 ~~credential for a specific license granted under the Florida~~  
782 ~~Statutes or the State Constitution and that will receive any~~  
783 ~~support from tuition and fees or from funds appropriated by the~~

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784 ~~Legislature through the General Appropriations Act or other law~~  
 785 ~~shall not be established without the specific approval of the~~  
 786 ~~Legislature.~~

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

789 1004.07 Student withdrawal from courses due to military  
 790 service; effect.—

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

794 Section 16. Section 1006.54, Florida Statutes, is amended  
 795 to read:

796 1006.54 Universities; public documents distributed to  
 797 libraries.—The general library of each state university may  
 798 receive copies of reports of state officials, departments, and  
 799 institutions and all other state documents published by the  
 800 state. Each officer of the state empowered by law to distribute  
 801 such public documents may transmit without charge, except for  
 802 payment of shipping costs, the number of copies of each public  
 803 document desired upon requisition from the librarian. It is the  
 804 duty of the library to keep public documents in a convenient  
 805 form accessible to the public. The library, under regulations  
 806 ~~rules~~ formulated by the university board of trustees, is  
 807 authorized to exchange documents for those of other states,  
 808 territories, and countries.

809 Section 17. Section 1006.60, Florida Statutes, is amended  
 810 to read:

811 1006.60 Codes of conduct; disciplinary measures;

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812 ~~rulemaking~~ authority to adopt rules or regulations.-

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

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

834 (3) Sanctions authorized by such codes of conduct may be  
 835 imposed only for acts or omissions in violation of rules or  
 836 regulations adopted by the institution, including rules or  
 837 regulations adopted under this section, rules of the State Board  
 838 of Education, rules or regulations of ~~or~~ the Board of Governors  
 839 regarding the State University System, county and municipal

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840 ordinances, and the laws of this state, the United States, or  
841 any other state.

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

859 (5) Each community college ~~and state university~~ shall  
860 adopt rules and each state university shall adopt regulations  
861 for the lawful discipline of any student who intentionally acts  
862 to impair, interfere with, or obstruct the orderly conduct,  
863 processes, and functions of the institution. Said rules or  
864 regulations may apply to acts conducted on or off campus when  
865 relevant to such orderly conduct, processes, and functions.

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

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868 1006.65 Safety issues in courses offered by public  
 869 postsecondary educational institutions.—

870 (2) The Board of Governors shall adopt regulations ~~rules~~  
 871 to ensure that policies and procedures are in place to protect  
 872 the health and safety of students, instructional personnel, and  
 873 visitors who participate in courses offered by a state  
 874 university.

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

877 1007.264 Persons with disabilities; admission to  
 878 postsecondary educational institutions; substitute requirements;  
 879 rules and regulations.—

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

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

886 1007.265 Persons with disabilities; graduation, study  
 887 program admission, and upper-division entry; substitute  
 888 requirements; rules and regulations.—

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

893 Section 21. Section 1009.24, Florida Statutes, is amended  
 894 to read:

895 1009.24 State university student fees.—



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

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

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

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

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

921 (c) The Board of Governors, or the board's designee, may  
 922 establish tuition for graduate and professional programs, and  
 923 out-of-state fees for all programs. Except as otherwise provided

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924 in this section, the sum of tuition and out-of-state fees  
925 assessed to nonresident students must be sufficient to offset  
926 the full instructional cost of serving such students. However,  
927 adjustments to out-of-state fees or tuition for graduate  
928 programs and professional programs may not exceed 15 percent in  
929 any year.

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

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

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952 increase must be approved by the athletic fee committee in the  
953 process outlined in subsection (12) and cannot exceed \$2 per  
954 credit hour. Notwithstanding the provisions of ss. 1009.534,  
955 1009.535, and 1009.536, that portion of any increase in an  
956 athletic fee pursuant to this subsection that causes the sum of  
957 the activity and service, health, and athletic fees to exceed  
958 the 40 percent cap or the annual increase in such fees to exceed  
959 the 5 percent cap shall not be included in calculating the  
960 amount a student receives for a Florida Academic Scholars award,  
961 a Florida Medallion Scholars award, or a Florida Gold Seal  
962 Vocational Scholars award.

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

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

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

972 (b) A graduate student who has been determined to be a  
973 nonresident for tuition purposes pursuant to s. 1009.21 and has  
974 a .25 full-time equivalent appointment or greater as a graduate  
975 assistant, graduate research assistant, graduate teaching  
976 assistant, graduate research associate, or graduate teaching  
977 associate.

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

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980 receiving a full fellowship.

981 (6) Students who are enrolled in Programs in Medical  
982 Sciences are considered graduate students for the purpose of  
983 enrollment and student fees.

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

1007 (8) The Capital Improvement Trust Fund fee is established

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1008 as \$2.44 per credit hour per semester. The building fee is  
1009 established as \$2.32 per credit hour per semester.

1010 (9) Each university board of trustees is authorized to  
1011 establish separate activity and service, health, and athletic  
1012 fees. When duly established, the fees shall be collected as  
1013 component parts of tuition and fees and shall be retained by the  
1014 university and paid into the separate activity and service,  
1015 health, and athletic funds. Notwithstanding any other provision  
1016 of law to the contrary, a university may transfer revenues  
1017 derived from the fees authorized pursuant to this subsection to  
1018 a university direct-support organization of the university to be  
1019 used only for the purpose of paying and securing debt on  
1020 projects approved pursuant to s. 1010.62 and pursuant to a  
1021 written agreement approved by the Board of Governors. The amount  
1022 transferred may not exceed the amount authorized for annual debt  
1023 service pursuant to s. 1010.62.

1024 (10) (a) Each university board of trustees shall establish  
1025 a student activity and service fee on the main campus of the  
1026 university. The university board may also establish a student  
1027 activity and service fee on any branch campus or center. Any  
1028 subsequent increase in the activity and service fee must be  
1029 recommended by an activity and service fee committee, at least  
1030 one-half of whom are students appointed by the student body  
1031 president. The remainder of the committee shall be appointed by  
1032 the university president. A chairperson, appointed jointly by  
1033 the university president and the student body president, shall  
1034 vote only in the case of a tie. The recommendations of the  
1035 committee shall take effect only after approval by the

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1036 university president, after consultation with the student body  
 1037 president, with final approval by the university board of  
 1038 trustees. An increase in the activity and service fee may occur  
 1039 only once each fiscal year and must be implemented beginning  
 1040 with the fall term. The Board of Governors is responsible for  
 1041 adopting the regulations ~~rules~~ and timetables necessary to  
 1042 implement this fee.

1043 (b) The student activity and service fees shall be  
 1044 expended for lawful purposes to benefit the student body in  
 1045 general. This shall include, but shall not be limited to,  
 1046 student publications and grants to duly recognized student  
 1047 organizations, the membership of which is open to all students  
 1048 at the university without regard to race, sex, or religion. The  
 1049 fund may not benefit activities for which an admission fee is  
 1050 charged to students, except for student-government-association-  
 1051 sponsored concerts. The allocation and expenditure of the fund  
 1052 shall be determined by the student government association of the  
 1053 university, except that the president of the university may veto  
 1054 any line item or portion thereof within the budget when  
 1055 submitted by the student government association legislative  
 1056 body. The university president shall have 15 school days from  
 1057 the date of presentation of the budget to act on the allocation  
 1058 and expenditure recommendations, which shall be deemed approved  
 1059 if no action is taken within the 15 school days. If any line  
 1060 item or portion thereof within the budget is vetoed, the student  
 1061 government association legislative body shall within 15 school  
 1062 days make new budget recommendations for expenditure of the  
 1063 vetoed portion of the fund. If the university president vetoes

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1064 any line item or portion thereof within the new budget  
 1065 revisions, the university president may reallocate by line item  
 1066 that vetoed portion to bond obligations guaranteed by activity  
 1067 and service fees. Unexpended funds and undisbursed funds  
 1068 remaining at the end of a fiscal year shall be carried over and  
 1069 remain in the student activity and service fund and be available  
 1070 for allocation and expenditure during the next fiscal year.

1071 (11) Each university board of trustees shall establish a  
 1072 student health fee on the main campus of the university. The  
 1073 university board of trustees may also establish a student health  
 1074 fee on any branch campus or center. Any subsequent increase in  
 1075 the health fee must be recommended by a health committee, at  
 1076 least one-half of whom are students appointed by the student  
 1077 body president. The remainder of the committee shall be  
 1078 appointed by the university president. A chairperson, appointed  
 1079 jointly by the university president and the student body  
 1080 president, shall vote only in the case of a tie. The  
 1081 recommendations of the committee shall take effect only after  
 1082 approval by the university president, after consultation with  
 1083 the student body president, with final approval by the  
 1084 university board of trustees. An increase in the health fee may  
 1085 occur only once each fiscal year and must be implemented  
 1086 beginning with the fall term. The Board of Governors is  
 1087 responsible for adopting the regulations ~~rules~~ and timetables  
 1088 necessary to implement this fee.

1089 (12) Each university board of trustees shall establish a  
 1090 separate athletic fee on the main campus of the university. The  
 1091 university board may also establish a separate athletic fee on

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1092 any branch campus or center. Any subsequent increase in the  
 1093 athletic fee must be recommended by an athletic fee committee,  
 1094 at least one-half of whom are students appointed by the student  
 1095 body president. The remainder of the committee shall be  
 1096 appointed by the university president. A chairperson, appointed  
 1097 jointly by the university president and the student body  
 1098 president, shall vote only in the case of a tie. The  
 1099 recommendations of the committee shall take effect only after  
 1100 approval by the university president, after consultation with  
 1101 the student body president, with final approval by the  
 1102 university board of trustees. An increase in the athletic fee  
 1103 may occur only once each fiscal year and must be implemented  
 1104 beginning with the fall term. The Board of Governors is  
 1105 responsible for adopting the regulations ~~rules~~ and timetables  
 1106 necessary to implement this fee.

1107 (13) Each university board of trustees may establish a  
 1108 technology fee of up to 5 percent of the tuition per credit  
 1109 hour. The revenue from this fee shall be used to enhance  
 1110 instructional technology resources for students and faculty. The  
 1111 technology fee may not be included in any award under the  
 1112 Florida Bright Futures Scholarship Program established pursuant  
 1113 to ss. 1009.53-1009.538.

1114 (14) ~~(13)~~ Except as otherwise provided in subsection (15),  
 1115 each university board of trustees is authorized to establish the  
 1116 following fees:

- 1117 (a) A nonrefundable application fee in an amount not to
- 1118 exceed \$30.
- 1119 (b) An orientation fee in an amount not to exceed \$35.



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1120 (c) A fee for security, access, or identification cards.  
 1121 The annual fee for such a card may not exceed \$10 per card. The  
 1122 maximum amount charged for a replacement card may not exceed  
 1123 \$15.

1124 (d) Registration fees for audit and zero-hours  
 1125 registration; a service charge, which may not exceed \$15, for  
 1126 the payment of tuition and fees in installments; and a late-  
 1127 registration fee in an amount not less than \$50 nor more than  
 1128 \$100 to be imposed on students who fail to initiate registration  
 1129 during the regular registration period.

1130 (e) A late-payment fee in an amount not less than \$50 nor  
 1131 more than \$100 to be imposed on students who fail to pay or fail  
 1132 to make appropriate arrangements to pay (by means of installment  
 1133 payment, deferment, or third-party billing) tuition by the  
 1134 deadline set by each university. Each university may adopt  
 1135 specific procedures or policies for waiving the late-payment fee  
 1136 for minor underpayments.

1137 (f) ~~(f)~~ Fees for transcripts and diploma replacement, not  
 1138 to exceed \$10 per item.

1139 (g) A nonrefundable admissions deposit for undergraduate,  
 1140 graduate, and professional degree programs in an amount not to  
 1141 exceed \$200. The admissions deposit shall be imposed at the time  
 1142 of an applicant's acceptance to the university and shall be  
 1143 applied toward tuition upon enrollment. If the applicant does  
 1144 not enroll in the university, the admissions deposit shall be  
 1145 deposited in an auxiliary account of the university and used to  
 1146 expand financial assistance, scholarships, and student academic  
 1147 and career counseling services at the university. The Board of

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1148 Governors shall adopt a policy that provides for the waiver of  
 1149 such admissions deposit on the basis of financial hardship.

1150 (h)~~(f)~~ A fee for miscellaneous health-related charges for  
 1151 services provided at cost by the university health center which  
 1152 are not covered by the health fee set under subsection (11).

1153 (i)~~(g)~~ Materials and supplies fees to offset the cost of  
 1154 materials or supplies that are consumed in the course of the  
 1155 student's instructional activities, excluding the cost of  
 1156 equipment replacement, repairs, and maintenance.

1157 (j)~~(h)~~ Housing rental rates and miscellaneous housing  
 1158 charges for services provided by the university at the request  
 1159 of the student.

1160 (k)~~(i)~~ A charge representing the reasonable cost of  
 1161 efforts to collect payment of overdue accounts.

1162 (l)~~(j)~~ A service charge on university loans in lieu of  
 1163 interest and administrative handling charges.

1164 (m)~~(k)~~ A fee for off-campus course offerings when the  
 1165 location results in specific, identifiable increased costs to  
 1166 the university.

1167 (n)~~(l)~~ Library fees and fines, including charges for  
 1168 damaged and lost library materials, overdue reserve library  
 1169 books, interlibrary loans, and literature searches.

1170 (o)~~(m)~~ Fees relating to duplicating, photocopying,  
 1171 binding, and microfilming; copyright services; and standardized  
 1172 testing. These fees may be charged only to those who receive the  
 1173 services.

1174 (p)~~(n)~~ Fees and fines relating to the use, late return,  
 1175 and loss and damage of facilities and equipment.

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1176 (g)~~(e)~~ A returned-check fee as authorized by s. 832.07(1)  
 1177 for unpaid checks returned to the university.

1178 (r)~~(p)~~ Traffic and parking fines, charges for parking  
 1179 decals, and transportation access fees.

1180 (s)~~(q)~~ An Educational Research Center for Child  
 1181 Development fee for child care and services offered by the  
 1182 center.

1183 ~~(s) A technology fee of up to 5 percent of the tuition per~~  
 1184 ~~credit hour, beginning with the fall term of the 2009-2010~~  
 1185 ~~academic year. The revenue from this fee shall be used to~~  
 1186 ~~enhance instructional technology resources for students and~~  
 1187 ~~faculty. The technology fee shall not be included in any award~~  
 1188 ~~under the Florida Bright Futures Scholarship Program.~~

1189  
 1190 With the exception of housing rental rates and except as  
 1191 otherwise provided, fees assessed pursuant to paragraphs (h)-(s)  
 1192 shall be based on reasonable costs of services. The Board of  
 1193 Governors shall adopt regulations and timetables necessary to  
 1194 implement the fees and fines authorized under this subsection.  
 1195 The fees assessed under this subsection may be used for debt  
 1196 only as authorized under s. 1010.62.

1197 ~~(14) Each university board of trustees is authorized to~~  
 1198 ~~establish a nonrefundable admissions deposit for undergraduate,~~  
 1199 ~~graduate, and professional degree programs in an amount not to~~  
 1200 ~~exceed \$200. The admissions deposit shall be imposed at the time~~  
 1201 ~~of an applicant's acceptance to the university and shall be~~  
 1202 ~~applied toward tuition upon enrollment. In the event the~~  
 1203 ~~applicant does not enroll in the university, the admissions~~

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1204 ~~deposit shall be deposited in an auxiliary account of the~~  
 1205 ~~university and used to expand financial assistance,~~  
 1206 ~~scholarships, and student academic and career counseling~~  
 1207 ~~services at the university. A university board of trustees that~~  
 1208 ~~establishes an admissions deposit pursuant to this subsection~~  
 1209 ~~must also adopt policies that provide for the waiver of such~~  
 1210 ~~deposit on the basis of financial hardship.~~

1211 (15) (a) The Board of Governors may approve:

1212 1. A proposal from a university board of trustees to  
 1213 establish a new student fee that is not specifically authorized  
 1214 by this section.

1215 2. A proposal from a university board of trustees to  
 1216 increase the current cap for an existing fee authorized pursuant  
 1217 to paragraphs (14) (a)-(g).

1218 3. A proposal from a university board of trustees to  
 1219 implement flexible tuition policies, such as undergraduate or  
 1220 graduate block tuition, block tuition differential, or market  
 1221 tuition rates for graduate-level online courses or graduate-  
 1222 level courses offered through a university's continuing  
 1223 education program. A block tuition policy for resident  
 1224 undergraduate students or undergraduate-level courses shall be  
 1225 based on the per-credit-hour undergraduate tuition established  
 1226 under subsection (4). A block tuition policy for nonresident  
 1227 undergraduate students shall be based on the per-credit-hour  
 1228 undergraduate tuition and out-of-state fee established under  
 1229 subsection (4). Flexible tuition policies, including block  
 1230 tuition, may not increase the state's fiscal liability or  
 1231 obligation.

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1232           (b) A proposal developed pursuant to paragraph (a) shall  
 1233 be submitted in accordance with guidelines established by the  
 1234 Board of Governors. Approval by the Board of Governors of such  
 1235 proposal must be made in accordance with the provisions of this  
 1236 subsection.

1237           (c) In reviewing a proposal to establish a new fee under  
 1238 subparagraph (a)1., the Board of Governors shall consider:

1239           1. The purpose to be served or accomplished by the new  
 1240 fee.

1241           2. Whether there is a demonstrable student-based need for  
 1242 the new fee that is not currently being met through existing  
 1243 university services, operations, or another fee.

1244           3. Whether the financial impact on students is warranted  
 1245 in light of other charges assessed to students for tuition and  
 1246 associated fees.

1247           4. Whether any restrictions, limitations, or conditions  
 1248 should be placed on the use of the fee.

1249           5. Whether there are outcome measures to indicate if the  
 1250 purpose for which the fee was established is accomplished.

1251           (d) In reviewing a proposal to increase or exceed the  
 1252 current cap for an existing fee under subparagraph (a)2., the  
 1253 Board of Governors shall consider:

1254           1. The services or operations currently being funded by  
 1255 the fee.

1256           2. Whether those services or operations can be performed  
 1257 more efficiently to alleviate the need for any increase.

1258           3. The additional or enhanced services or operations to be  
 1259 funded by the increase.

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1260 4. Whether any alternative resources are available to meet  
 1261 the need.

1262 5. Whether the financial impact on students is warranted  
 1263 in light of other charges assessed to students for tuition and  
 1264 associated fees.

1265 (e) In reviewing a proposal to implement a flexible  
 1266 tuition policy under subparagraph (a)3., the Board of Governors  
 1267 shall consider:

1268 1. Whether the proposed tuition flexibility policy is  
 1269 aligned with the mission of the university.

1270 2. Whether the proposed tuition flexibility policy  
 1271 increases the state's fiscal liabilities or obligations and, if  
 1272 so, the proposal shall be denied.

1273 3. Whether any restrictions, limitations, or conditions  
 1274 should be placed on the policy.

1275 4. How the proposed tuition flexibility policy will be  
 1276 implemented to honor the advance payment contracts of students  
 1277 who are beneficiaries of prepaid tuition contracts under s.  
 1278 1009.98.

1279 (f) The Board of Governors shall submit an annual report  
 1280 to the President of the Senate, the Speaker of the House of  
 1281 Representatives, and the Governor summarizing the proposals  
 1282 received by the board during the preceding year and actions  
 1283 taken by the board in response to such proposals. The Board of  
 1284 Governors shall also include in the annual report the following  
 1285 information for each fee established pursuant to subparagraph  
 1286 (a)1.:

1287 1. The amount of the fee.

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1288           2. The total revenues generated by the fee.

1289           3. Detailed expenditures of the revenues generated by the  
 1290 fee.

1291           (g) The aggregate sum of any fees established pursuant to  
 1292 subparagraph (a)1. that a student is required to pay to register  
 1293 for a course shall not exceed 10 percent of tuition.

1294           (h) Any fee established pursuant to subparagraph (a)1.  
 1295 shall not be included in any award under the Florida Bright  
 1296 Futures Scholarship Program established pursuant to ss. 1009.53-  
 1297 1009.538.

1298           (i) The revenues generated by a fee established pursuant  
 1299 to subparagraph (a)1. may not be transferred to an auxiliary  
 1300 enterprise or a direct-support organization and may not be used  
 1301 for the purpose of paying or securing debt.

1302           (j) If the Board of Governors approves a university  
 1303 proposal to establish a fee pursuant to subparagraph (a)1., a  
 1304 fee committee shall be established at the university to make  
 1305 recommendations to the university president and the university  
 1306 board of trustees regarding how the revenue from the fee is to  
 1307 be spent and any subsequent changes to the fee. At least one-  
 1308 half of the committee must be students appointed by the student  
 1309 body president. The remainder of the committee shall be  
 1310 appointed by the university president. A chair, appointed  
 1311 jointly by the university president and the student body  
 1312 president, shall vote only in the case of a tie.

1313           (k) An increase to an existing fee or a fee established  
 1314 pursuant to subparagraph (a)1. may occur no more than once each  
 1315 fiscal year and must be implemented beginning with the fall term

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1316 ~~Each university may assess a service charge for the payment of~~  
 1317 ~~tuition and fees in installments. Such service charge must be~~  
 1318 ~~approved by the university board of trustees.~~

1319 (16) Each university board of trustees may establish a  
 1320 tuition differential for undergraduate courses upon receipt of  
 1321 approval from the Board of Governors. The tuition differential  
 1322 shall promote improvements in the quality of undergraduate  
 1323 education and shall provide financial aid to undergraduate  
 1324 students who exhibit financial need.

1325 (a) Seventy percent of the revenues from the tuition  
 1326 differential shall be expended for purposes of undergraduate  
 1327 education. Such expenditures may include, but are not limited  
 1328 to, increasing course offerings, improving graduation rates,  
 1329 increasing the percentage of undergraduate students who are  
 1330 taught by faculty, decreasing student-faculty ratios, providing  
 1331 salary increases for faculty who have a history of excellent  
 1332 teaching in undergraduate courses, improving the efficiency of  
 1333 the delivery of undergraduate education through academic  
 1334 advisement and counseling, and reducing the percentage of  
 1335 students who graduate with excess hours. This expenditure for  
 1336 undergraduate education may not be used to pay the salaries of  
 1337 graduate teaching assistants. The remaining 30 percent of the  
 1338 revenues from the tuition differential, or the equivalent amount  
 1339 of revenue from private sources, shall be expended to provide  
 1340 financial aid to undergraduate students who exhibit financial  
 1341 need to meet the cost of university attendance. This expenditure  
 1342 for need-based financial aid shall not supplant the amount of  
 1343 need-based aid provided to undergraduate students in the



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1344 preceding fiscal year from financial aid fee revenues, the  
 1345 direct appropriation for financial assistance provided to state  
 1346 universities in the General Appropriations Act, or from private  
 1347 sources.

1348 (b) Each tuition differential is subject to the following  
 1349 conditions:

1350 1. The tuition differential may be assessed on one or more  
 1351 undergraduate courses or on all undergraduate courses at a state  
 1352 university.

1353 2. The tuition differential may vary by course or courses,  
 1354 campus or center location, and by institution. Each university  
 1355 board of trustees shall strive to maintain and increase  
 1356 enrollment in degree programs related to math, science, high  
 1357 technology, and other state or regional high-need fields when  
 1358 establishing tuition differentials by course.

1359 3. For each state university that has total research and  
 1360 development expenditures for all fields of at least \$100 million  
 1361 per year as reported annually to the National Science  
 1362 Foundation, the aggregate sum of tuition and the tuition  
 1363 differential may not be increased by more than 15 percent of the  
 1364 total charged for the aggregate sum of these fees in the  
 1365 preceding fiscal year. For each state university that has total  
 1366 research and development expenditures for all fields of less  
 1367 than \$100 million per year as reported annually to the National  
 1368 Science Foundation, the aggregate sum of tuition and the tuition  
 1369 differential may not be increased by more than 15 percent of the  
 1370 total charged for the aggregate sum of these fees in the  
 1371 preceding fiscal year.

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1372 4. The aggregate sum of undergraduate tuition and fees per  
 1373 credit hour, including the tuition differential, may not exceed  
 1374 the national average of undergraduate tuition and fees at 4-year  
 1375 degree-granting public postsecondary educational institutions.

1376 5. The tuition differential shall not be included in any  
 1377 award under the Florida Bright Futures Scholarship Program  
 1378 established pursuant to ~~may not be calculated as a part of the~~  
 1379 ~~scholarship programs established in~~ ss. 1009.53-1009.538.

1380 6. Beneficiaries having prepaid tuition contracts pursuant  
 1381 to s. 1009.98(2)(b) which were in effect on July 1, 2007, and  
 1382 which remain in effect, are exempt from the payment of the  
 1383 tuition differential.

1384 7. The tuition differential may not be charged to any  
 1385 student who was in attendance at the university before July 1,  
 1386 2007, and who maintains continuous enrollment.

1387 8. The tuition differential may be waived by the  
 1388 university for students who meet the eligibility requirements  
 1389 for the Florida public student assistance grant established in  
 1390 s. 1009.50.

1391 9. Subject to approval by the Board of Governors, the  
 1392 tuition differential authorized pursuant to this subsection may  
 1393 take effect with the 2009 fall term.

1394 (c) A university board of trustees may submit a proposal  
 1395 to the Board of Governors to implement a tuition differential  
 1396 for one or more undergraduate courses. At a minimum, the  
 1397 proposal shall:

1398 1. Identify the course or courses for which the tuition  
 1399 differential will be assessed.

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1400           2. Indicate the amount that will be assessed for each  
 1401 tuition differential proposed.

1402           3. Indicate the purpose of the tuition differential.

1403           4. Indicate how the revenues from the tuition differential  
 1404 will be used.

1405           5. Indicate how the university will monitor the success of  
 1406 the tuition differential in achieving the purpose for which the  
 1407 tuition differential is being assessed.

1408           (d) The Board of Governors shall review each proposal and  
 1409 advise the university board of trustees of approval of the  
 1410 proposal, the need for additional information or revision to the  
 1411 proposal, or denial of the proposal. The Board of Governors  
 1412 shall establish a process for any university to revise a  
 1413 proposal or appeal a decision of the board.

1414           (e) The Board of Governors shall submit a report to the  
 1415 President of the Senate, the Speaker of the House of  
 1416 Representatives, and the Governor describing the implementation  
 1417 of the provisions of this subsection no later than January 1,  
 1418 2010, and no later than January 1 each year thereafter. The  
 1419 report shall summarize proposals received by the board during  
 1420 the preceding fiscal year and actions taken by the board in  
 1421 response to such proposals. In addition, the report shall  
 1422 provide the following information for each university that has  
 1423 been approved by the board to assess a tuition differential:

1424           1. The course or courses for which the tuition  
 1425 differential was assessed and the amount assessed.

1426           2. The total revenues generated by the tuition  
 1427 differential.

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1428           3. With respect to waivers authorized under subparagraph  
 1429 (b)8., the number of students eligible for a waiver, the number  
 1430 of students receiving a waiver, and the value of waivers  
 1431 provided.

1432           4. Detailed expenditures of the revenues generated by the  
 1433 tuition differential.

1434           5. Changes in retention rates, graduation rates, the  
 1435 percentage of students graduating with more than 110 percent of  
 1436 the hours required for graduation, pass rates on licensure  
 1437 examinations, the number of undergraduate course offerings, the  
 1438 percentage of undergraduate students who are taught by faculty,  
 1439 student-faculty ratios, and the average salaries of faculty who  
 1440 teach undergraduate courses.

1441           (f) No state university shall be required to lower any  
 1442 tuition differential that was approved by the Board of Governors  
 1443 and in effect prior to January 1, 2009, in order to comply with  
 1444 the provisions of this subsection.

1445           (17) (a) A state university may assess a student who  
 1446 enrolls in a course listed in the Florida Higher Education  
 1447 Distance Learning Catalog, established pursuant to s. 1004.09, a  
 1448 per-credit-hour distance learning course fee. For purposes of  
 1449 assessing this fee, a distance learning course is a course in  
 1450 which at least 80 percent of the direct instruction of the  
 1451 course is delivered using some form of technology when the  
 1452 student and instructor are separated by time or space, or both.

1453           (b) The amount of the distance learning course fee may not  
 1454 exceed the additional costs of the services provided which are  
 1455 attributable to the development and delivery of the distance

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1456 learning course. If the distance learning course fee is assessed  
 1457 by a state university, the institution may not assess  
 1458 duplicative fees to cover the additional costs.

1459 (c) The link for the catalog must be prominently displayed  
 1460 within the advising and distance learning sections of the  
 1461 institution's website, using a graphic and description provided  
 1462 by the Florida Distance Learning Consortium, informing students  
 1463 of the catalog.

1464 (18) A state university may not charge any fee except as  
 1465 specifically authorized by law.

1466 (19) The Board of Governors shall adopt regulations to  
 1467 implement the provisions of this section.

1468 Section 22. Subsection (9) of section 1009.26, Florida  
 1469 Statutes, is amended to read:

1470 1009.26 Fee waivers.—

1471 (9) Each university board of trustees is authorized to  
 1472 waive tuition and out-of-state fees for purposes that support  
 1473 and enhance the mission of the university. All fees waived must  
 1474 be based on policies that are adopted by university boards of  
 1475 trustees pursuant to regulations ~~rules~~ adopted by the Board of  
 1476 Governors. Each university shall report the purpose, number, and  
 1477 value of all fee waivers granted annually in a format prescribed  
 1478 by the Board of Governors.

1479 Section 23. Paragraph (b) of subsection (1) and paragraph  
 1480 (b) of subsection (4) of section 1010.04, Florida Statutes, are  
 1481 amended to read:

1482 1010.04 Purchasing.—

1483 (1)

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1484 (b) Purchases and leases by state universities shall  
 1485 comply with the requirements of law and regulations ~~rules~~ of the  
 1486 Board of Governors.

1487 (4)

1488 (b) The Board of Governors may, by regulation ~~rule~~,  
 1489 provide for alternative procedures for state universities for  
 1490 bidding or purchasing in cases in which the character of the  
 1491 item requested renders competitive bidding impractical.

1492 Section 24. Subsection (1) of section 1010.62, Florida  
 1493 Statutes, is amended to read:

1494 1010.62 Revenue bonds and debt.—

1495 (1) As used in this section, the term:

1496 (a) "Auxiliary enterprise" means any activity defined in  
 1497 s. 1011.47(1) and performed by a university or a direct-support  
 1498 organization.

1499 (b) ~~(a)~~ "Capital outlay project" means:

1500 1. Any project to acquire, construct, improve, or change  
 1501 the functional use of land, buildings, and other facilities,  
 1502 including furniture and equipment necessary to operate a new or  
 1503 improved building or facility.

1504 2. Any other acquisition of equipment or software.

1505 (c) ~~(b)~~ "Debt" means bonds, except revenue bonds as defined  
 1506 in paragraph (e) ~~(d)~~, loans, promissory notes, lease-purchase  
 1507 agreements, certificates of participation, installment sales,  
 1508 leases, or any other financing mechanism or financial  
 1509 arrangement, whether or not a debt for legal purposes, for  
 1510 financing or refinancing for or on behalf of a state university  
 1511 or a direct-support organization or for the acquisition,

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1512 construction, improvement, or purchase of capital outlay  
 1513 projects.

1514 (d)~~(e)~~ "Direct-support organization" means an organization  
 1515 created pursuant to s. 1004.28 or any entity specifically  
 1516 established to incur debt.

1517 (e)~~(d)~~ "Revenue bonds" means any obligation that  
 1518 constitutes a revenue bond pursuant to s. 11(d), Art. VII of the  
 1519 State Constitution.

1520 Section 25. Section 1011.43, Florida Statutes, is amended  
 1521 to read:

1522 1011.43 Investment of university agency and activity  
 1523 funds; earnings used for scholarships.—Each university is  
 1524 authorized to invest available agency and activity funds and to  
 1525 use the earnings from such investments for student scholarships  
 1526 and loans. The university board of trustees shall provide  
 1527 procedures for the administration of these scholarships and  
 1528 loans by regulations ~~rules~~.

1529 Section 26. Subsection (4) of section 1011.90, Florida  
 1530 Statutes, is amended to read:

1531 1011.90 State university funding.—

1532 (4) The Board of Governors shall establish and validate a  
 1533 cost-estimating system consistent with the requirements of  
 1534 subsection (1) and shall report as part of its legislative  
 1535 budget request the actual expenditures for the fiscal year  
 1536 ending the previous June 30. Expenditure analysis, operating  
 1537 budgets, and annual financial statements of each university must  
 1538 be prepared using the standard financial reporting procedures  
 1539 and formats prescribed by the Board of Governors. These formats

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1540 shall be the same as used for the 2000-2001 fiscal year reports.  
 1541 Any revisions to these financial and reporting procedures and  
 1542 formats must be approved by the Executive Office of the Governor  
 1543 and the appropriations committees of the Legislature jointly  
 1544 under the provisions of s. 216.023(3). The Board of Governors  
 1545 shall continue to collect and maintain at a minimum ~~the~~  
 1546 management information ~~databases~~ existing on June 30, 2002. The  
 1547 expenditure analysis report shall include total expenditures  
 1548 from all sources for the general operation of the university and  
 1549 shall be in such detail as needed to support the legislative  
 1550 budget request.

1551 Section 27. Paragraph (b) of subsection (2) of section  
 1552 1013.02, Florida Statutes, is amended to read:

1553 1013.02 Purpose; rules and regulations.—

1554 (2)

1555 (b) The Board of Governors shall adopt regulations  
 1556 pursuant to its regulation development procedure ~~rules pursuant~~  
 1557 ~~to ss. 120.536(1) and 120.54~~ to implement the provisions of this  
 1558 chapter for state universities.

1559 Section 28. Section 1013.10, Florida Statutes, is amended  
 1560 to read:

1561 1013.10 Use of buildings and grounds.—The board may permit  
 1562 the use of educational facilities and grounds for any legal  
 1563 assembly or for community use centers or may permit the same to  
 1564 be used as voting places in any primary, regular, or special  
 1565 election. The board shall adopt rules, regulations, or policies  
 1566 and procedures necessary to protect educational facilities and  
 1567 grounds when used for such purposes.



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1568 Section 29. Paragraph (b) of subsection (5) of section  
 1569 1013.12, Florida Statutes, is amended to read:

1570 1013.12 Casualty, safety, sanitation, and firesafety  
 1571 standards and inspection of property.—

1572 (5) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION  
 1573 FACILITIES.—

1574 (b) Firesafety inspections of state universities shall  
 1575 comply with regulations ~~rules~~ of the Board of Governors.

1576 Section 30. Paragraph (b) of subsection (1) of section  
 1577 1013.28, Florida Statutes, is amended to read:

1578 1013.28 Disposal of property.—

1579 (1) REAL PROPERTY.—

1580 (b) Subject to regulations ~~rules~~ of the Board of  
 1581 Governors, a state university board of trustees may dispose of  
 1582 any land or real property to which it holds valid title which  
 1583 is, by resolution of the state university board of trustees,  
 1584 determined to be unnecessary for educational purposes as  
 1585 recommended in an educational plant survey. A state university  
 1586 board of trustees shall take diligent measures to dispose of  
 1587 educational property only in the best interests of the public.  
 1588 However, appraisals may be obtained by the state university  
 1589 board of trustees prior to or simultaneously with the receipt of  
 1590 bids.

1591 Section 31. Subsection (22) of section 1013.30, Florida  
 1592 Statutes, is amended to read:

1593 1013.30 University campus master plans and campus  
 1594 development agreements.—

1595 (22) In consultation with the state land planning agency,

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1596 the Board of Governors shall adopt a single, uniform set of  
 1597 regulations ~~rules~~ to administer subsections (3)-(6). The  
 1598 regulations ~~rules~~ must set specific schedules and procedures for  
 1599 the development and adoption of campus master plans. Before  
 1600 adopting the regulations ~~rules~~, the Board of Governors must  
 1601 obtain written verification from the state land planning agency  
 1602 that the regulations ~~rules~~ satisfy the minimum statutory  
 1603 criteria required by subsections (3)-(6). The state land  
 1604 planning agency shall provide the verification within 45 days  
 1605 after receiving a copy of the regulations ~~rules~~.

1606 Section 32. Paragraph (b) of subsection (1) of section  
 1607 1013.31, Florida Statutes, is amended to read:

1608 1013.31 Educational plant survey; localized need  
 1609 assessment; PECO project funding.—

1610 (1) At least every 5 years, each board shall arrange for  
 1611 an educational plant survey, to aid in formulating plans for  
 1612 housing the educational program and student population, faculty,  
 1613 administrators, staff, and auxiliary and ancillary services of  
 1614 the district or campus, including consideration of the local  
 1615 comprehensive plan. The Department of Education shall document  
 1616 the need for additional career and adult education programs and  
 1617 the continuation of existing programs before facility  
 1618 construction or renovation related to career or adult education  
 1619 may be included in the educational plant survey of a school  
 1620 district or community college that delivers career or adult  
 1621 education programs. Information used by the Department of  
 1622 Education to establish facility needs must include, but need not  
 1623 be limited to, labor market data, needs analysis, and

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1624 information submitted by the school district or community  
 1625 college.

1626 (b) Required need assessment criteria for district,  
 1627 community college, state university, and Florida School for the  
 1628 Deaf and the Blind plant surveys.—Educational plant surveys must  
 1629 use uniform data sources and criteria specified in this  
 1630 paragraph. Each revised educational plant survey and each new  
 1631 educational plant survey supersedes previous surveys.

1632 1. The school district's survey must be submitted as a  
 1633 part of the district educational facilities plan defined in s.  
 1634 1013.35. To ensure that the data reported to the Department of  
 1635 Education as required by this section is correct, the department  
 1636 shall annually conduct an onsite review of 5 percent of the  
 1637 facilities reported for each school district completing a new  
 1638 survey that year. If the department's review finds the data  
 1639 reported by a district is less than 95 percent accurate, within  
 1640 1 year from the time of notification by the department the  
 1641 district must submit revised reports correcting its data. If a  
 1642 district fails to correct its reports, the commissioner may  
 1643 direct that future fixed capital outlay funds be withheld until  
 1644 such time as the district has corrected its reports so that they  
 1645 are not less than 95 percent accurate.

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

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1652 facility shall be based upon the respective space needs of the  
1653 school districts, community colleges, and universities, as  
1654 appropriate. Projections of a school district's facility space  
1655 needs may not exceed the norm space and occupant design criteria  
1656 established by the State Requirements for Educational  
1657 Facilities.

1658 3. Each community college's survey must reflect the  
1659 capacity of existing facilities as specified in the inventory  
1660 maintained by the Department of Education. Projections of  
1661 facility space needs must comply with standards for determining  
1662 space needs as specified by rule of the State Board of  
1663 Education. The 5-year projection of capital outlay student  
1664 enrollment must be consistent with the annual report of capital  
1665 outlay full-time student enrollment prepared by the Department  
1666 of Education.

1667 4. Each state university's survey must reflect the  
1668 capacity of existing facilities as specified in the inventory  
1669 maintained and validated by the Chancellor of the State  
1670 University System. Projections of facility space needs must be  
1671 consistent with standards for determining space needs as  
1672 specified by regulation ~~rule~~ of the Board of Governors. The  
1673 projected capital outlay full-time equivalent student enrollment  
1674 must be consistent with the 5-year planned enrollment cycle for  
1675 the State University System approved by the Board of Governors.

1676 5. The district educational facilities plan of a school  
1677 district and the educational plant survey of a community  
1678 college, state university, or the Florida School for the Deaf  
1679 and the Blind may include space needs that deviate from approved

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1680 standards for determining space needs if the deviation is  
1681 justified by the district or institution and approved by the  
1682 department or the Board of Governors, as appropriate, as  
1683 necessary for the delivery of an approved educational program.

1684 Section 33. Section 1013.47, Florida Statutes, is amended  
1685 to read:

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

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1708 than those prevailing on similar construction projects in the  
 1709 locality, as determined by the Secretary of Labor in accordance  
 1710 with the Davis-Bacon Act, as amended. A person, firm, or  
 1711 corporation that constructs any part of any educational plant,  
 1712 or addition thereto, on the basis of any unapproved plans or in  
 1713 violation of any plans approved in accordance with the  
 1714 provisions of this chapter and rules of the State Board of  
 1715 Education or regulations of the Board of Governors relating to  
 1716 building standards or specifications is subject to forfeiture of  
 1717 bond and unpaid compensation in an amount sufficient to  
 1718 reimburse the board for any costs that will need to be incurred  
 1719 in making any changes necessary to assure that all requirements  
 1720 are met and is also guilty of a misdemeanor of the second  
 1721 degree, punishable as provided in s. 775.082 or s. 775.083, for  
 1722 each separate violation.

1723 Section 34. Subsection (3) of section 1013.74, Florida  
 1724 Statutes, is amended to read:

1725 1013.74 University authorization for fixed capital outlay  
 1726 projects.—

1727 (3) Other than those projects currently authorized, no  
 1728 project proposed by a university which is to be funded from  
 1729 Capital Improvement Trust Fund fees or building fees shall be  
 1730 submitted to the Board of Governors for approval without prior  
 1731 consultation with the student government association of that  
 1732 university. The Board of Governors may adopt regulations ~~rules~~  
 1733 which are consistent with this requirement.

1734 Section 35. (1) Sections 1001.74, 1004.21, 1004.38,  
 1735 1004.381, 1004.3811, 1004.382, 1004.383, 1004.386, and 1004.64,

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1736 Florida Statutes, and subsection (13) of section 1004.22,  
 1737 Florida Statutes, are repealed.

1738 (2) It is the intent of the Legislature that the repeal of  
 1739 sections 1004.38, 1004.381, 1004.3811, 1004.382, 1004.383,  
 1740 1004.386, and 1004.64, Florida Statutes, by this act is to  
 1741 remove existing statutory authority that is no longer necessary  
 1742 for the degree programs and entities that were authorized under  
 1743 those provisions and does not affect the authority of a state  
 1744 university or the Board of Governors of the State University  
 1745 System to continue such programs and entities.

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

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1764 | Administrative Code pursuant to this section, it shall place a  
1765 | history note at the rule number indicating the action taken and  
1766 | referencing this section.

1767 |       Section 37. This act shall take effect July 1, 2010.