

1 A bill to be entitled
2 An act relating to higher education; amending s.
3 1001.706, F.S.; requiring the Board of Governors to
4 require state universities to conduct an annual
5 assessment related to intellectual freedom and
6 viewpoint diversity at each state university;
7 providing Board of Governor requirements relating to
8 such assessment; providing requirements for the Office
9 of Inspector General; requiring the Board of Governors
10 to match certain student information with specified
11 educational and employment records; requiring the
12 Board of Governors to enter into an agreement with the
13 Department of Economic Opportunity for certain
14 purposes; providing requirements for such agreement;
15 amending s. 1001.7065, F.S.; revising the standards
16 for the preeminent state research universities
17 program; requiring the Board of Governors to use a
18 certain plan for determining preeminence designations
19 and awards for a specified fiscal year; amending s.
20 1001.92, F.S.; revising the state university system
21 performance-based incentives; revising the
22 performance-based metrics to include specific data
23 beginning in a certain fiscal year; authorizing the
24 Board of Governors to approve other metrics;
25 prohibiting the adjustment of such metrics once

26 specified data has been received; providing for the
27 future repeal of s. 1001.92(1)(h), F.S., relating to a
28 specific performance-based metric for the State
29 University System Performance-Based Incentive;
30 amending s. 1004.28, F.S.; providing that state
31 appropriations transferred to specified entities by
32 state university board of trustees may only be used
33 for specified purposes; revising a specified reporting
34 requirement; amending s. 1004.335, F.S.; clarifying
35 that the University of South Florida St. Petersburg
36 and the University of South Florida Sarasota/Manatee
37 are branch campuses; amending s. 1004.41, F.S.;
38 requiring the University of Florida Board of Trustees
39 to approve appointments to specified boards of
40 directors and other entities relating to the J. Hillis
41 Miller Health Center; providing that state
42 appropriations transferred to certain entities by the
43 University of Florida Board of Trustees may only be
44 used for specified purposes; amending s. 1007.23,
45 F.S.; requiring the statewide articulation agreement
46 to provide for a reverse transfer agreement; providing
47 for an associate degree to be awarded to certain
48 students by Florida College System institutions;
49 providing requirement for state universities; amending
50 s. 1009.215, F.S.; providing that students enrolled in

51 a specified pilot program who are eligible to receive
52 Bright Futures Scholarships are also eligible for such
53 scholarship funds for designated terms under specified
54 circumstances; amending s. 1009.24, F.S.; conforming a
55 cross-reference; amending s. 1011.90, F.S.; providing
56 requirements for certain legislative budget requests;
57 prohibiting certain ratios relating to student
58 enrollment from growing faster than a specified rate;
59 requiring the State Board of Education to submit
60 specified recommendations relating to performance
61 funds for Florida College System institutions to the
62 Legislature by a specified date; requiring the
63 Legislature to review additional recommendations from
64 an independent entity; providing requirements for such
65 entity; providing requirements for the implementation
66 of any recommendations; providing effective dates.

67
68 Be It Enacted by the Legislature of the State of Florida:

69
70 Section 1. Paragraph (e) of subsection (5) of section
71 1001.706, Florida Statutes, is amended and paragraph (j) is
72 added to subsection (3) and paragraph (i) is added to subsection
73 (5) of that section, to read:

74 1001.706 Powers and duties of the Board of Governors.—

75 (3) POWERS AND DUTIES RELATING TO ORGANIZATION AND

76 OPERATION OF STATE UNIVERSITIES.—

77 (j) The Board of Governors shall require each institution
78 to conduct an annual assessment of the intellectual freedom and
79 viewpoint diversity at that institution. The Board of Governors
80 shall select or create an objective, non-partisan, and
81 statistically valid survey, to be used by each institution, that
82 considers the extent to which competing ideas and perspectives
83 are presented and members of the university community feel free
84 to express their beliefs and viewpoints on campus and in the
85 classroom. The Board of Governors shall annually compile and
86 publish the assessments by September 1 of each year, beginning
87 September 1, 2020.

88 (5) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.—

89 (e) The Board of Governors shall maintain an effective
90 information system to provide accurate, timely, and cost-
91 effective information about each university. The board shall
92 continue to collect and maintain, at a minimum, management
93 information as such information existed on June 30, 2002. The
94 Office of the Inspector General shall annually verify the
95 accuracy of the data used to implement ss. 1001.7065 and
96 1001.92.

97 (i) The Board of Governors shall match individual student
98 information with information in the files of state and federal
99 agencies that maintain educational and employment records. The
100 board must enter into an agreement with the Department of

101 Economic Opportunity that allows access to the individual
102 reemployment assistance wage records maintained by the
103 department. The agreement must protect individual privacy and
104 provide that student information may be used only for the
105 purposes of auditing or evaluating higher education programs
106 offered by state universities.

107 Section 2. Effective upon this act becoming law,
108 subsections (3) through (7) of section 1001.7065, Florida
109 Statutes, are renumbered as subsections (4) through (8),
110 respectively, paragraphs (c), (d), (j), (k), and (l) of
111 subsection (2) are amended, and a new subsection (3) is added to
112 that section, to read:

113 1001.7065 Preeminent state research universities program.—

114 (2) ACADEMIC AND RESEARCH EXCELLENCE STANDARDS.—The
115 following academic and research excellence standards are
116 established for the preeminent state research universities
117 program:

118 (c) A freshman retention rate of 90 percent or higher for
119 full-time, first-time-in-college students, as reported annually
120 in the Board of Governors Accountability Plan ~~to the Integrated~~
121 ~~Postsecondary Education Data System (IPEDS).~~

122 (d) A 4-year graduation rate of 60 percent or higher for
123 full-time, first-time-in-college students, as reported annually
124 in the Board of Governors Accountability Plan ~~to the IPEDS.~~
125 ~~However, for the 2018 determination of a state university's~~

126 ~~preeminence designation and the related distribution of the~~
127 ~~2018-2019 fiscal year appropriation associated with preeminence~~
128 ~~and emerging preeminence, a university is considered to have~~
129 ~~satisfied this graduation rate measure by attaining a 6-year~~
130 ~~graduation rate of 70 percent or higher by October 1, 2017, for~~
131 ~~full-time, first-time-in-college students, as reported to the~~
132 ~~IPEDS and confirmed by the Board of Governors.~~

133 (j) Four hundred or more doctoral degrees awarded
134 annually, including professional doctoral degrees awarded in
135 medical and health care disciplines, as reported annually in the
136 Board of Governors ~~Annual~~ Accountability Plan Report.

137 (k) Two hundred or more postdoctoral appointees annually,
138 as reported annually in the Board of Governors Accountability
139 Plan ~~TARU annual report~~.

140 (l) An endowment of \$500 million or more, as reported
141 annually in the Board of Governors ~~Annual~~ Accountability Plan
142 Report.

143 (3) The Board of Governors shall use its 2019
144 Accountability Plan for determining a state university's
145 preeminence designation and distributing awards for the 2019-
146 2020 fiscal year appropriation. This subsection shall expire on
147 July 1, 2020.

148 Section 3. Subsection (1) of section 1001.92, Florida
149 Statutes, is amended to read:

150 1001.92 State University System Performance-Based

151 Incentive.—

152 (1) A State University System Performance-Based Incentive
153 shall be awarded to state universities using performance-based
154 metrics adopted by the Board of Governors of the State
155 University System. Beginning with the Board of Governors'
156 determination of each university's performance improvement and
157 achievement ratings ~~for 2018~~, and the related distribution of
158 the annual 2018–2019 fiscal year appropriation, the performance-
159 based metrics must include:

160 (a) 4-year graduation rates;

161 (b) Beginning in fiscal year 2020–2021, 2-year graduation
162 rates for full-time 2+2 associate degree transfer students from
163 Florida College System institutions. Points must be deducted if
164 a state university reduces the percentage of associate in arts
165 degree transfer students enrolled during the fall term;

166 (c) Retention rates;

167 (d) Postgraduation education rates;

168 (e) Degree production;

169 (f) Affordability;

170 (g) Postgraduation employment and salaries, including wage
171 thresholds that reflect the added value of a baccalaureate
172 degree;

173 (h) Access rate, based on the percentage of undergraduate
174 students enrolled during the fall term who received a Pell Grant
175 during the fall term;

176 (i) Beginning in fiscal year 2020-2021, the difference
177 between the 6-year graduation rate for students who are eligible
178 for a Pell Grant and the 6-year graduation rate for students who
179 are not eligible for a Pell Grant within each state university.
180 Points must be deducted if a state university reduces the
181 percentage of undergraduate students enrolled during the fall
182 term who are eligible to receive a Pell Grant; and

183 (j) Beginning in fiscal year 2020-2021, the percent of
184 students graduating without excess hours.

185
186 The Board of Governors may approve and other metrics approved by
187 the board in a publicly formally noticed meeting. The board
188 shall adopt benchmarks to evaluate each state university's
189 performance on the metrics to measure the state university's
190 achievement of institutional excellence or need for improvement
191 and minimum requirements for eligibility to receive performance
192 funding. Benchmarks and metrics may not be adjusted after
193 university performance data has been received by the Board of
194 Governors ~~Access rate benchmarks must be differentiated and~~
195 ~~scored to reflect the varying access rate levels among the state~~
196 ~~universities; however, the scoring system may not include bonus~~
197 ~~points.~~

198 Section 4. Section 1001.92(1)(h), Florida Statutes, as
199 amended by this act is repealed on June 30, 2020.

200 Section 5. Paragraph (b) of subsection (2) of section

201 1004.28, Florida Statutes, is amended to read:

202 1004.28 Direct-support organizations; use of property;
 203 board of directors; activities; audit; facilities.—

204 (2) USE OF PROPERTY.—

205 (b) The board of trustees, in accordance with regulations
 206 and guidelines of the Board of Governors, shall prescribe by
 207 regulation conditions with which a university direct-support
 208 organization must comply in order to use property, facilities,
 209 or personal services at any state university, including that
 210 personal services must comply with s. 1012.976. Such regulations
 211 shall provide for budget and audit review and oversight by the
 212 board of trustees, including thresholds for approval of
 213 purchases, acquisitions, projects, and issuance of debt.

214 Beginning ~~No later than~~ July 1, 2019, the transfer of a state
 215 appropriation by the board of trustees to any direct-support
 216 organization and its not-for-profit subsidiaries and affiliates
 217 may ~~only~~ include only funds pledged for capital projects.

218 ~~Beginning July 1, 2019, and annually thereafter,~~ Each university
 219 board of trustees shall annually report to the Legislature the
 220 amount of state appropriations transferred to any direct-support
 221 organization and its not-for-profit subsidiaries and affiliates
 222 during the previous fiscal year, the purpose for which the funds
 223 were transferred, and the remaining balance of any funds
 224 transferred.

225 Section 6. Subsection (1), paragraphs (a) and (g) of

226 subsection (4), subsection (5), and paragraph (a) of subsection
227 (6) of section 1004.335, Florida Statutes, are amended to read:
228 1004.335 Accreditation consolidation of University of
229 South Florida branch campuses.—

230 (1) The University of South Florida Consolidation Planning
231 Study and Implementation Task Force is established to develop
232 recommendations to improve service to students by phasing out
233 the separate accreditation of the University of South Florida
234 St. Petersburg branch campus and the University of South Florida
235 Sarasota/Manatee branch campus, which were conferred by the
236 Southern Association of Colleges and Schools Commission on
237 Colleges (SACSCOC) pursuant to ss. 1004.33 and 1004.34,
238 respectively.

239 (4) No later than February 15, 2019, the task force must
240 submit a report to the University of South Florida Board of
241 Trustees which includes, at a minimum, recommendations on the
242 following:

243 (a) Identification of specific degrees in programs of
244 strategic significance, including health care, science,
245 technology, engineering, mathematics, and other program
246 priorities to be offered at the University of South Florida St.
247 Petersburg branch campus and the University of South Florida
248 Sarasota/Manatee branch campus and the timeline for the
249 development and delivery of programs on each campus;

250 (g) Developing and delivering integrated academic

251 programs, student and faculty governance, and administrative
252 services to better serve the students, faculty, and staff at the
253 University of South Florida College of Marine Science, the
254 University of South Florida Sarasota/Manatee branch campus, and
255 the University of South Florida St. Petersburg branch campus.

256 (5) No later than March 15, 2019, the Board of Trustees of
257 the University of South Florida, after considering the
258 recommendations of the task force, must adopt and submit to the
259 Board of Governors an implementation plan that:

260 (a) Establishes a timeline for each step that is necessary
261 to terminate the separate accreditation for each campus no later
262 than June 30, 2020, while maintaining branch campus status for
263 both campuses, so that there is no lapse in institutional
264 accreditation for any campus during the phasing-out process.

265 (b) Minimizes disruption to students attending ~~any the~~ the
266 University of South Florida or any of its branch campuses ~~campus~~
267 so that the consolidation of SACSCOC accreditation does not
268 impede a student's ability to graduate within 4 years after
269 initial first-time-in-college enrollment.

270 (c) Requires that, on or before July 1, 2020, the entirety
271 of the University of South Florida, including all branch
272 campuses and other component units of the university, operate
273 under a single institutional accreditation from the SACSCOC.

274 (d) Requires that, on each regularly scheduled submission
275 date subsequent to July 1, 2020, the University of South Florida

276 report consolidated data for all of the university's campuses
 277 and students to the Integrated Postsecondary Education Data
 278 System and to the Board of Governors. The Board of Governors
 279 shall use the consolidated data for purposes of determining
 280 eligibility for funding pursuant to ss. 1001.7065 and 1001.92.

281 (6) Notwithstanding ss. 1001.7065 and 1001.92 or any Board
 282 of Governors regulation to the contrary relating to the
 283 calculation of graduation rates and retention rates, a student
 284 who meets all of the following criteria may not be counted by
 285 the Board of Governors when calculating or confirming the
 286 graduation rate or the retention rate of the University of South
 287 Florida under those sections:

288 (a) The student was admitted to and initially enrolled
 289 before the spring 2020 semester as a first-time-in-college
 290 student at the University of South Florida St. Petersburg branch
 291 campus or the University of South Florida Sarasota/Manatee
 292 branch campus.

293 Section 7. Paragraph (b) of subsection (4) and paragraph
 294 (b) of subsection (5) of section 1004.41, Florida Statutes, are
 295 amended, paragraph (g) is added to subsection (4), and paragraph
 296 (f) is added to subsection (5) of that section, to read:

297 1004.41 University of Florida; J. Hillis Miller Health
 298 Center.—

299 (4)

300 (b) The University of Florida Board of Trustees shall

301 provide in the lease or by separate contract or agreement with
302 Shands Teaching Hospital and Clinics, Inc., for the following:

303 1. Approval of the articles of incorporation of Shands
304 Teaching Hospital and Clinics, Inc., by the University of
305 Florida Board of Trustees.

306 2. Governance of Shands Teaching Hospital and Clinics,
307 Inc., by a board of directors appointed, subject to removal, and
308 chaired by the President of the University of Florida, or his or
309 her designee, and vice chaired by the Vice President for Health
310 Affairs of the University of Florida or his or her designee. The
311 University of Florida Board of Trustees shall approve all
312 appointments to the board and its not-for-profit subsidiaries
313 and affiliates.

314 3. Use of hospital facilities and personnel in support of
315 community service and patient care, research programs, and the
316 teaching roles of the health center.

317 4. Continued recognition of the collective bargaining
318 units and collective bargaining agreements as currently composed
319 and recognition of the certified labor organizations
320 representing those units and agreements.

321 5. Use of hospital facilities and personnel in connection
322 with research programs conducted by the health center.

323 6. Reimbursement to Shands Teaching Hospital and Clinics,
324 Inc., for indigent patients, state-mandated programs,
325 underfunded state programs, and costs to Shands Teaching

326 Hospital and Clinics, Inc., for support of the teaching and
327 research programs of the health center. Such reimbursement shall
328 be appropriated to either the health center or Shands Teaching
329 Hospital and Clinics, Inc., each year by the Legislature after
330 review and approval of the request for funds.

331 7. Audit of the financial statements of Shands Teaching
332 Hospital and Clinics, Inc., in accordance with generally
333 accepted accounting principles as prescribed by the Governmental
334 Accounting Standards Board for a separate corporation affiliated
335 with a government entity that holds a voting majority interest
336 of the affiliated corporation's governing board. The financial
337 statements shall be provided to the University of Florida Board
338 of Trustees for attachment to its audited financial statement
339 which is provided to the Auditor General. The University of
340 Florida may obtain additional financial information from Shands
341 Teaching Hospital and Clinics, Inc., upon request by the Auditor
342 General. This subparagraph applies equally to any not-for-profit
343 subsidiary of Shands Teaching Hospital and Clinics, Inc., which
344 directly delivers health care services and also qualifies as an
345 instrumentality of the state under the governance control and
346 the primary purpose standards specified in this section.

347 (g) Beginning July 1, 2019, the transfer of state
348 appropriations by the University of Florida Board of Trustees to
349 Shands Teaching Hospital and Clinic, Inc., and its not-for-
350 profit subsidiaries and affiliates may only include funds

351 pledged for capital projects, for the delivery of health care
352 services, as matching dollars for intergovernmental services, or
353 for funding graduate medical education.

354 (5)

355 (b) The University of Florida Board of Trustees shall
356 provide in the lease or by separate contract or agreement with
357 Shands Jacksonville Medical Center, Inc., and Shands
358 Jacksonville HealthCare, Inc., for the following:

359 1. Approval of the articles of incorporation of Shands
360 Jacksonville Medical Center, Inc., and of Shands Jacksonville
361 HealthCare, Inc., by the University of Florida Board of
362 Trustees, which may act through the president of the university
363 or his or her designee. In approving the articles of
364 incorporation of Shands Jacksonville Medical Center, Inc., and
365 of Shands Jacksonville HealthCare, Inc., the president of the
366 university, or his or her designee, may act as the chair of the
367 board of directors, or the president of the university or his or
368 her designee or members of the University of Florida Board of
369 Trustees may act as the approving body of Shands Jacksonville
370 Medical Center, Inc., or Shands Jacksonville HealthCare, Inc.

371 2. Governance of Shands Jacksonville Medical Center, Inc.,
372 and of Shands Jacksonville HealthCare, Inc., by boards of
373 directors appointed, subject to removal, and chaired by the
374 President of the University of Florida, or his or her designee.
375 One director of each board may be so appointed after being

376 | nominated by the mayor of the City of Jacksonville subject to
377 | the applicable standards for directors of such board. If there
378 | is a vice chair of the board of directors of Shands Jacksonville
379 | Medical Center, Inc., or Shands Jacksonville HealthCare, Inc.,
380 | the Vice President for Health Affairs of the University of
381 | Florida, or his or her designee or the designee of the president
382 | of the university, shall hold that position. The University of
383 | Florida Board of Trustees shall approve all appointments to the
384 | board and its not-for-profit subsidiaries and affiliates.

385 | 3. Use of the Shands Jacksonville Medical Center, Inc.,
386 | hospital facilities and personnel in support of community
387 | service and patient care, research programs, and the teaching
388 | roles of the health center of the University of Florida Board of
389 | Trustees.

390 | 4. Reimbursement to Shands Jacksonville Medical Center,
391 | Inc., for indigent patients, state-mandated programs,
392 | underfunded state programs, and costs to the not-for-profit
393 | corporation for support of the teaching and research programs of
394 | the health center. Such reimbursement shall be appropriated to
395 | either the health center or the not-for-profit corporation each
396 | year by the Legislature after review and approval of the request
397 | for funds.

398 | 5. Audit of the financial statements of Shands
399 | Jacksonville Medical Center, Inc., and Shands Jacksonville
400 | HealthCare, Inc., in accordance with generally accepted

401 accounting principles as prescribed by the Governmental
402 Accounting Standards Board for a separate corporation affiliated
403 with a government entity that holds a voting majority interest
404 of the affiliated corporation's governing board. The financial
405 statements shall be provided to the University of Florida Board
406 of Trustees for attachment to its audited financial statement
407 which is provided to the Auditor General. The University of
408 Florida may obtain additional financial information from Shands
409 Jacksonville Medical Center, Inc., and Shands Jacksonville
410 HealthCare, Inc., upon request by the Auditor General. This
411 subparagraph applies equally to any not-for-profit subsidiary
412 which directly delivers health care services and also qualifies
413 as an instrumentality of the state under the governance control
414 and primary purpose standards specified in this section.

415 (f) Beginning July 1, 2019, the transfer of state
416 appropriations by the University of Florida Board of Trustees to
417 Shands Jacksonville Medical Center, Inc., and Shands
418 Jacksonville HealthCare, Inc., and any of their not-for-profit
419 subsidiaries and affiliates may only include funds pledged for
420 capital projects, for the delivery of health care services, as
421 matching dollars for intergovernmental services, or for funding
422 graduate medical education.

423 Section 8. Subsection (7) is added to section 1007.23,
424 Florida Statutes, to read:

425 1007.23 Statewide articulation agreement.—

426 (7) The articulation agreement must specifically provide
427 for a reverse transfer agreement for Florida College System
428 associate in arts degree-seeking students who transfer to a
429 state university before earning an associate in arts degree.
430 Students must be awarded an associate in arts degree by the
431 Florida College System institution upon completion of degree
432 requirements at the state university if the student earned a
433 majority of the credit hours from the Florida College System
434 institution. State universities must identify students who have
435 completed requirements for the associate in arts degree and
436 transfer credits earned at the state university back to the
437 Florida College System institution so that the associate in arts
438 degree may be awarded by the Florida College System institution.

439 Section 9. Upon the expiration and reversion of the
440 amendment made to section 1009.215, Florida Statutes, pursuant
441 to section 13, chapter 2018-10, Laws of Florida, subsection (3)
442 of section 1009.215, Florida Statutes, is amended to read:

443 1009.215 Student enrollment pilot program for the spring
444 and summer terms.—

445 (3) Students who are enrolled in the pilot program and who
446 are eligible to receive Bright Futures Scholarships under ss.
447 1009.53-1009.536 shall be eligible to receive the scholarship
448 award for attendance during the spring and summer terms. This
449 student cohort shall also be eligible to receive Bright Futures
450 Scholarships for the fall semester term to be used for off-

451 campus or online coursework, if Bright Futures Scholarship
452 funding is provided by the Legislature for three terms for that
453 academic year for other eligible students ~~no more than 2~~
454 ~~semesters or the equivalent in any fiscal year, including the~~
455 ~~summer term.~~

456 Section 10. Subsection (16) of section 1009.24, Florida
457 Statutes, is amended to read:

458 1009.24 State university student fees.—

459 (16) Each university board of trustees may establish a
460 tuition differential for undergraduate courses upon receipt of
461 approval from the Board of Governors. However, beginning July 1,
462 2014, the Board of Governors may only approve the establishment
463 of or an increase in tuition differential for a state research
464 university designated as a preeminent state research university
465 pursuant to s. 1001.7065(4) ~~s. 1001.7065(3)~~. The tuition
466 differential shall promote improvements in the quality of
467 undergraduate education and shall provide financial aid to
468 undergraduate students who exhibit financial need.

469 (a) Seventy percent of the revenues from the tuition
470 differential shall be expended for purposes of undergraduate
471 education. Such expenditures may include, but are not limited
472 to, increasing course offerings, improving graduation rates,
473 increasing the percentage of undergraduate students who are
474 taught by faculty, decreasing student-faculty ratios, providing
475 salary increases for faculty who have a history of excellent

476 teaching in undergraduate courses, improving the efficiency of
477 the delivery of undergraduate education through academic
478 advisement and counseling, and reducing the percentage of
479 students who graduate with excess hours. This expenditure for
480 undergraduate education may not be used to pay the salaries of
481 graduate teaching assistants. Except as otherwise provided in
482 this subsection, the remaining 30 percent of the revenues from
483 the tuition differential, or the equivalent amount of revenue
484 from private sources, shall be expended to provide financial aid
485 to undergraduate students who exhibit financial need, including
486 students who are scholarship recipients under s. 1009.984, to
487 meet the cost of university attendance. This expenditure for
488 need-based financial aid shall not supplant the amount of need-
489 based aid provided to undergraduate students in the preceding
490 fiscal year from financial aid fee revenues, the direct
491 appropriation for financial assistance provided to state
492 universities in the General Appropriations Act, or from private
493 sources. The total amount of tuition differential waived under
494 subparagraph (b)7. may be included in calculating the
495 expenditures for need-based financial aid to undergraduate
496 students required by this subsection. If the entire tuition and
497 fee costs of resident students who have applied for and received
498 Pell Grant funds have been met and the university has excess
499 funds remaining from the 30 percent of the revenues from the
500 tuition differential required to be used to assist students who

501 exhibit financial need, the university may expend the excess
502 portion in the same manner as required for the other 70 percent
503 of the tuition differential revenues.

504 (b) Each tuition differential is subject to the following
505 conditions:

506 1. The tuition differential may be assessed on one or more
507 undergraduate courses or on all undergraduate courses at a state
508 university.

509 2. The tuition differential may vary by course or courses,
510 by campus or center location, and by institution. Each
511 university board of trustees shall strive to maintain and
512 increase enrollment in degree programs related to math, science,
513 high technology, and other state or regional high-need fields
514 when establishing tuition differentials by course.

515 3. For each state university that is designated as a
516 preeminent state research university by the Board of Governors,
517 pursuant to s. 1001.7065, the aggregate sum of tuition and the
518 tuition differential may be increased by no more than 6 percent
519 of the total charged for the aggregate sum of these fees in the
520 preceding fiscal year. The tuition differential may be increased
521 if the university meets or exceeds performance standard targets
522 for that university established annually by the Board of
523 Governors for the following performance standards, amounting to
524 no more than a 2-percent increase in the tuition differential
525 for each performance standard:

- 526 a. An increase in the 4-year graduation rate for full-
527 time, first-time-in-college students, as reported annually to
528 the Integrated Postsecondary Education Data System.
- 529 b. An increase in the total annual research expenditures.
- 530 c. An increase in the total patents awarded by the United
531 States Patent and Trademark Office for the most recent years.
- 532 4. The aggregate sum of undergraduate tuition and fees per
533 credit hour, including the tuition differential, may not exceed
534 the national average of undergraduate tuition and fees at 4-year
535 degree-granting public postsecondary educational institutions.
- 536 5. Beneficiaries having prepaid tuition contracts pursuant
537 to s. 1009.98(2)(b) which were in effect on July 1, 2007, and
538 which remain in effect, are exempt from the payment of the
539 tuition differential.
- 540 6. The tuition differential may not be charged to any
541 student who was in attendance at the university before July 1,
542 2007, and who maintains continuous enrollment.
- 543 7. The tuition differential may be waived by the
544 university for students who meet the eligibility requirements
545 for the Florida public student assistance grant established in
546 s. 1009.50.
- 547 8. Subject to approval by the Board of Governors, the
548 tuition differential authorized pursuant to this subsection may
549 take effect with the 2009 fall term.
- 550 (c) A university board of trustees may submit a proposal

551 to the Board of Governors to implement a tuition differential
552 for one or more undergraduate courses. At a minimum, the
553 proposal shall:

554 1. Identify the course or courses for which the tuition
555 differential will be assessed.

556 2. Indicate the amount that will be assessed for each
557 tuition differential proposed.

558 3. Indicate the purpose of the tuition differential.

559 4. Indicate how the revenues from the tuition differential
560 will be used.

561 5. Indicate how the university will monitor the success of
562 the tuition differential in achieving the purpose for which the
563 tuition differential is being assessed.

564 (d) The Board of Governors shall review each proposal and
565 advise the university board of trustees of approval of the
566 proposal, the need for additional information or revision to the
567 proposal, or denial of the proposal. The Board of Governors
568 shall establish a process for any university to revise a
569 proposal or appeal a decision of the board.

570 (e) The Board of Governors shall submit a report to the
571 President of the Senate, the Speaker of the House of
572 Representatives, and the Governor describing the implementation
573 of the provisions of this subsection no later than February 1 of
574 each year. The report shall summarize proposals received by the
575 board during the preceding fiscal year and actions taken by the

576 board in response to such proposals. In addition, the report
577 shall provide the following information for each university that
578 has been approved by the board to assess a tuition differential:

579 1. The course or courses for which the tuition
580 differential was assessed and the amount assessed.

581 2. The total revenues generated by the tuition
582 differential.

583 3. With respect to waivers authorized under subparagraph
584 (b)7., the number of students eligible for a waiver, the number
585 of students receiving a waiver, and the value of waivers
586 provided.

587 4. Detailed expenditures of the revenues generated by the
588 tuition differential.

589 5. Changes in retention rates, graduation rates, the
590 percentage of students graduating with more than 110 percent of
591 the hours required for graduation, pass rates on licensure
592 examinations, the number of undergraduate course offerings, the
593 percentage of undergraduate students who are taught by faculty,
594 student-faculty ratios, and the average salaries of faculty who
595 teach undergraduate courses.

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

600 Section 11. Subsection (4) of section 1011.90, Florida

601 Statutes, is amended to read:

602 1011.90 State university funding.—

603 (4) The Board of Governors shall establish and validate a
604 cost-estimating system consistent with the requirements of
605 subsection (1) and shall report as part of its legislative
606 budget request the actual expenditures for the fiscal year
607 ending the previous June 30. The legislative budget request must
608 also include 5-year trend information on the number of faculty
609 and administrators at each university. The Board of Governors,
610 by regulation, shall define faculty and administrative personnel
611 classifications and shall also report the definitions in the
612 legislative budget request. The growth rate of administrators at
613 any state university may not exceed the growth rate of faculty.
614 Expenditure analysis, operating budgets, and annual financial
615 statements of each university must be prepared using the
616 standard financial reporting procedures and formats prescribed
617 by the Board of Governors. These formats shall be the same as
618 used for the 2000-2001 fiscal year reports. Any revisions to
619 these financial and reporting procedures and formats must be
620 approved by the Executive Office of the Governor and the
621 appropriations committees of the Legislature jointly under the
622 provisions of s. 216.023(3). The Board of Governors shall
623 continue to collect and maintain at a minimum management
624 information existing on June 30, 2002. The expenditure analysis
625 report shall include total expenditures from all sources for the

626 | general operation of the university and shall be in such detail
627 | as needed to support the legislative budget request.

628 | Section 12. By October 1, 2020, the State Board of
629 | Education, in consultation with Florida College System
630 | institutions, shall submit to the Legislature recommendations
631 | for future consideration on the most efficient process to
632 | achieve a complete performance-based, continuous improvement
633 | model focused on outcomes that provides for the equitable
634 | distribution of performance funds. In addition to
635 | recommendations submitted by the State Board of Education, the
636 | Legislature shall review recommendations from an independent
637 | entity that consults with the State Board of Education for the
638 | purpose of receiving input on behalf of the Florida College
639 | System. Implementation of any recommendations shall not occur
640 | unless affirmatively enacted by the Legislature.

641 | Section 13. Except as otherwise expressly provided in this
642 | act and except for this section, which shall take effect upon
643 | this act becoming a law, this act shall take effect July 1,
644 | 2019.