

1 A bill to be entitled
2 An act relating to higher education; amending s.
3 1001.03, F.S.; requiring the State Board of Education
4 to require Florida College System institutions to
5 conduct an annual assessment related to intellectual
6 freedom and viewpoint diversity at each institution;
7 providing State Board of Education requirements
8 relating to such assessment; amending s. 1001.706,
9 F.S.; requiring the Board of Governors to require
10 state universities to conduct an annual assessment
11 related to intellectual freedom and viewpoint
12 diversity at each university; providing Board of
13 Governors requirements relating to such assessment;
14 amending s. 1001.7065, F.S.; revising standards for
15 the preeminent state research universities program;
16 requiring such standards to be reported annually in a
17 specified plan; repealing the "emerging preeminent
18 state research university" designation within the
19 State University System; repealing the programs of
20 excellence designation within the State University
21 System; creating the "state universities of
22 distinction" designation within the State University
23 System; requiring the Board of Governors to establish
24 standards and measures for specific state university
25 competencies; providing requirements for such

26 standards and measures; authorizing the Board of
27 Governors to annually submit such programs to the
28 Legislature for funding by a specified date; amending
29 s. 1001.92, F.S.; revising the performance-based
30 metrics for state universities to include specific
31 data beginning in a certain fiscal year; authorizing
32 the Board of Governors to approve other metrics;
33 prohibiting the adjustment of such metrics and
34 benchmarks once specified data has been received;
35 amending s. 1004.085, F.S.; requiring innovative
36 pricing techniques and payment options to include an
37 opt-out provision; amending s. 1004.346, F.S.;

38 removing a limitation on the length of time a
39 Phosphate Research and Activities Board member may
40 serve after expiration of his or her term; amending s.
41 1011.90, F.S.; providing requirements for a specified
42 legislative budget request; requiring the Board of
43 Governors to define specified classifications in
44 regulation and provide such classifications in
45 specified budget requests; prohibiting the growth rate
46 of administrators at a state university from exceeding
47 the growth rate of faculty at such university;
48 providing effective dates.

49
50 Be It Enacted by the Legislature of the State of Florida:

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52 Section 1. Subsection (19) is added to section 1001.03,
53 Florida Statutes, to read:

54 1001.03 Specific powers of State Board of Education.—

55 (19) INTELLECTUAL FREEDOM AND VIEWPOINT DIVERSITY
56 ASSESSMENT.—The State Board of Education shall require each
57 Florida College System institution to conduct an annual
58 assessment of the intellectual freedom and viewpoint diversity
59 at that institution. The State Board of Education shall select
60 or create an objective, nonpartisan, and statistically valid
61 survey to be used by each institution that considers the extent
62 to which competing ideas and perspectives are presented and
63 members of the college community feel free to express their
64 beliefs and viewpoints on campus and in the classroom. The State
65 Board of Education shall annually compile and publish the
66 assessments by September 1 of each year beginning on September
67 1, 2021.

68 Section 2. Paragraph (k) is added to subsection (3) of
69 section 1001.706, Florida Statutes, to read:

70 1001.706 Powers and duties of the Board of Governors.—

71 (3) POWERS AND DUTIES RELATING TO ORGANIZATION AND
72 OPERATION OF STATE UNIVERSITIES.—

73 (k) The Board of Governors shall require each state
74 university to conduct an annual assessment of the intellectual
75 freedom and viewpoint diversity at that institution. The Board

76 | of Governors shall select or create an objective, nonpartisan,
77 | and statistically valid survey to be used by each state
78 | university that considers the extent to which competing ideas
79 | and perspectives are presented and members of the university
80 | community feel free to express their beliefs and viewpoints on
81 | campus and in the classroom. The Board of Governors shall
82 | annually compile and publish the assessments by September 1 of
83 | each year beginning on September 1, 2021.

84 | Section 3. Effective upon this act becoming a law,
85 | subsections (2), (3), (5), (6), and (7) of section 1001.7065,
86 | Florida Statutes, are amended to read:

87 | 1001.7065 Preeminent state research universities program.—

88 | (2) ACADEMIC AND RESEARCH EXCELLENCE STANDARDS.—The
89 | following academic and research excellence standards are
90 | established for the preeminent state research universities
91 | program and shall be reported annually in the Board of Governors
92 | Accountability Plan:

93 | (a) An average weighted grade point average of 4.0 or
94 | higher on a 4.0 scale and an average SAT score of 1800 or higher
95 | on a 2400-point scale or 1200 or higher on a 1600-point scale
96 | for fall semester incoming freshmen, as reported annually.

97 | (b) A top-50 ranking on at least two well-known and highly
98 | respected national public university rankings, including, but
99 | not limited to, the U.S. News and World Report rankings,
100 | reflecting national preeminence, using most recent rankings.

101 (c) A freshman retention rate of 90 percent or higher for
102 full-time, first-time-in-college students, ~~as reported annually~~
103 ~~to the Integrated Postsecondary Education Data System (IPEDS).~~

104 (d) A 4-year graduation rate of 60 percent or higher for
105 full-time, first-time-in-college students, ~~as reported annually~~
106 ~~to the IPEDS. However, for the 2018 determination of a state~~
107 ~~university's preeminence designation and the related~~
108 ~~distribution of the 2018-2019 fiscal year appropriation~~
109 ~~associated with preeminence and emerging preeminence, a~~
110 ~~university is considered to have satisfied this graduation rate~~
111 ~~measure by attaining a 6-year graduation rate of 70 percent or~~
112 ~~higher by October 1, 2017, for full-time, first-time-in-college~~
113 ~~students, as reported to the IPEDS and confirmed by the Board of~~
114 ~~Governors.~~

115 (e) Six or more faculty members at the state university
116 who are members of a national academy, ~~as reported by the Center~~
117 ~~for Measuring University Performance in the Top American~~
118 ~~Research Universities (TARU) annual report or the official~~
119 ~~membership directories maintained by each national academy.~~

120 (f) Total annual research expenditures, including federal
121 research expenditures, of \$200 million or more, ~~as reported~~
122 ~~annually by the National Science Foundation (NSF).~~

123 (g) Total annual research expenditures in diversified
124 nonmedical sciences of \$150 million or more, ~~based on data~~
125 ~~reported annually by the NSF.~~

126 (h) A top-100 university national ranking for research
127 expenditures in five or more science, technology, engineering,
128 or mathematics fields of study, ~~as reported annually by the NSF.~~

129 (i) One hundred or more total patents awarded by the
130 United States Patent and Trademark Office for the most recent 3-
131 year period.

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

136 (k) Two hundred or more postdoctoral appointees annually,
137 ~~as reported in the TARU annual report.~~

138 (l) An endowment of \$500 million or more, ~~as reported in
139 the Board of Governors Annual Accountability Report.~~

140 (3) PREEMINENT STATE RESEARCH UNIVERSITY DESIGNATION.—

141 ~~(a)~~ The Board of Governors shall designate each state
142 university that annually meets at least 11 of the 12 academic
143 and research excellence standards identified in subsection (2)
144 as a "preeminent state research university."

145 ~~(b) The Board of Governors shall designate each state
146 university that annually meets at least 6 of the 12 academic and
147 research excellence standards identified in subsection (2) as an
148 "emerging preeminent state research university."~~

149 (5) PREEMINENT STATE RESEARCH UNIVERSITIES PROGRAM
150 SUPPORT.—

151 (a) A state university that is designated as a preeminent
 152 state research university shall submit to the Board of Governors
 153 a 5-year benchmark plan with target rankings on key performance
 154 metrics for national excellence. Upon approval by the Board of
 155 Governors, and upon the university's meeting the benchmark plan
 156 goals annually, the Board of Governors shall award the
 157 university its proportionate share of any funds provided
 158 annually to support the program created under this section.

159 ~~(b) A state university designated as an emerging~~
 160 ~~preeminent state research university shall submit to the Board~~
 161 ~~of Governors a 5-year benchmark plan with target rankings on key~~
 162 ~~performance metrics for national excellence. Upon approval by~~
 163 ~~the Board of Governors, and upon the university's meeting the~~
 164 ~~benchmark plan goals annually, the Board of Governors shall~~
 165 ~~award the university its proportionate share of any funds~~
 166 ~~provided annually to support the program created under this~~
 167 ~~section.~~

168 (b)(e) The award of funds under this subsection is
 169 contingent upon funding provided by the Legislature to support
 170 the preeminent state research universities program created under
 171 this section. Funding increases appropriated beyond the amounts
 172 funded in the previous fiscal year shall be distributed equally
 173 to ~~as follows:~~

174 ~~1.~~ each designated preeminent state research university
 175 that meets the criteria in paragraph (a) ~~shall receive an equal~~

176 ~~amount of funding.~~

177 ~~2. Each designated emerging preeminent state research~~
178 ~~university that meets the criteria in paragraph (b) shall,~~
179 ~~beginning in the 2018-2019 fiscal year, receive an amount of~~
180 ~~funding that is equal to one-fourth of the total increased~~
181 ~~amount awarded to each designated preeminent state research~~
182 ~~university.~~

183 (6) PREEMINENT STATE RESEARCH UNIVERSITY FLEXIBILITY
184 AUTHORITY.—The Board of Governors is encouraged to identify and
185 grant all reasonable, feasible authority and flexibility to
186 ensure that each designated preeminent state research university
187 ~~and each designated emerging preeminent state research~~
188 ~~university~~ is free from unnecessary restrictions.

189 (7) STATE UNIVERSITIES PROGRAMS OF DISTINCTION EXCELLENCE
190 THROUGHOUT THE STATE UNIVERSITY SYSTEM.—The Board of Governors
191 shall establish standards and measures whereby state
192 universities that focus on one core competency unique to the
193 State University System that achieves excellence at the national
194 or state level, meets state workforce needs, and fosters an
195 innovation economy that focuses on areas such as health care,
196 security, transportation, and science, technology, engineering,
197 and mathematics (STEM), including supply chain management,
198 ~~individual undergraduate, graduate, and professional degree~~
199 ~~programs in state universities which objectively reflect~~
200 national excellence can be identified. The Board of Governors

201 may annually submit such programs, excluding those from
202 preeminent state research universities, and make recommendations
203 to the Legislature by January ~~September 1~~ for funding, 2018, as
204 ~~to how any such programs could be enhanced and promoted.~~

205 Section 4. Subsection (1) of section 1001.92, Florida
206 Statutes, is amended to read:

207 1001.92 State University System Performance-Based
208 Incentive.—

209 (1) A State University System Performance-Based Incentive
210 shall be awarded to state universities using performance-based
211 metrics adopted by the Board of Governors of the State
212 University System. Beginning with the Board of Governors'
213 determination of each university's performance improvement and
214 achievement ratings ~~for 2018~~, and the related distribution of
215 annual ~~the 2018-2019~~ fiscal year appropriation, the performance-
216 based metrics must include:

217 (a) Beginning in fiscal year 2021-2022, a single
218 graduation rate metric comprised of 4-year graduation rates for
219 first-time-in-college students and 2-year graduation rates for
220 Florida College System institution Associate in Arts transfer
221 students;

222 (b) Retention rates;

223 (c) Postgraduation education rates;

224 (d) Degree production;

225 (e) Affordability;

226 (f) Postgraduation employment and salaries, including wage
227 thresholds that reflect the added value of a baccalaureate
228 degree;

229 (g) Access rate, based on the percentage of undergraduate
230 students enrolled during the fall term who received a Pell Grant
231 during the fall term; and

232 (h) Beginning in fiscal year 2021-2022, the 6-year
233 graduation rate for students who are awarded a Pell Grant in
234 their first year.

235
236 The Board of Governors may approve ~~and other metrics approved by~~
237 ~~the board~~ in a publicly ~~formally~~ noticed meeting. The board
238 shall adopt benchmarks to evaluate each state university's
239 performance on the metrics to measure the state university's
240 achievement of institutional excellence or need for improvement
241 and minimum requirements for eligibility to receive performance
242 funding. Benchmarks and metrics may not be adjusted after
243 university performance data has been received by the Board of
244 Governors ~~Access rate benchmarks must be differentiated and~~
245 ~~scored to reflect the varying access rate levels among the state~~
246 ~~universities; however, the scoring system may not include bonus~~
247 ~~points.~~

248 Section 5. Subsection (4) of section 1004.085, Florida
249 Statutes, is amended to read:

250 1004.085 Textbook and instructional materials

251 affordability.—

252 (4) Each Florida College System institution and state
253 university board of trustees is authorized to adopt policies in
254 consultation with providers, including bookstores, which allow
255 for the use of innovative pricing techniques and payment options
256 for textbooks and instructional materials. Such policies may
257 include bulk pricing arrangements that enable students to
258 purchase course materials or texts that are delivered digitally;
259 delivered through other technologies that are, or the licenses
260 of which are, required for use within a course; or delivered in
261 a print format. Innovative pricing techniques and payment
262 options must include an opt-in or opt-out provision for students
263 and may be approved only if there is documented evidence that
264 the options reduce the cost of textbooks and instructional
265 materials for students taking a course.

266 Section 6. Effective upon this act becoming a law,
267 paragraph (c) of subsection (2) of section 1004.346, Florida
268 Statutes, is amended to read:

269 1004.346 Florida Industrial and Phosphate Research
270 Institute.—

271 (2) PHOSPHATE RESEARCH AND ACTIVITIES BOARD.—The Phosphate
272 Research and Activities Board is created to monitor the
273 expenditure of funds appropriated to the university from the
274 Phosphate Research Trust Fund.

275 (c) Members of the board appointed by the Governor shall

276 | be appointed to 3-year terms. A board member may continue to
277 | serve until a successor is appointed, ~~but not more than 180 days~~
278 | ~~after the expiration of his or her term.~~ A board member is
279 | eligible for reappointment to subsequent terms.

280 | Section 7. Subsection (4) of section 1011.90, Florida
281 | Statutes, is amended to read:

282 | 1011.90 State university funding.—

283 | (4) The Board of Governors shall establish and validate a
284 | cost-estimating system consistent with the requirements of
285 | subsection (1) and shall report as part of its legislative
286 | budget request the actual expenditures for the fiscal year
287 | ending the previous June 30. The legislative budget request must
288 | also include 5-year trend information on the number of faculty
289 | and administrators at each university and the proportion of FTE
290 | dedicated to instruction and research compared to
291 | administration. The Board of Governors, by regulation, shall
292 | define faculty and administrator classifications and shall also
293 | report the definitions in the legislative budget request. The
294 | growth rate of administrators at a state university may not
295 | exceed the growth rate of faculty at such university.

296 | Expenditure analysis, operating budgets, and annual financial
297 | statements of each university must be prepared using the
298 | standard financial reporting procedures and formats prescribed
299 | by the Board of Governors. These formats shall be the same as
300 | used for the 2000-2001 fiscal year reports. Any revisions to

301 these financial and reporting procedures and formats must be
302 approved by the Executive Office of the Governor and the
303 appropriations committees of the Legislature jointly under ~~the~~
304 ~~provisions of~~ s. 216.023(3). The Board of Governors shall
305 continue to collect and maintain at a minimum management
306 information existing on June 30, 2002. The expenditure analysis
307 report shall include total expenditures from all sources for the
308 general operation of the university and shall be in such detail
309 as needed to support the legislative budget request.

310 Section 8. Except as otherwise expressly provided in this
311 act and except for this section, which shall take effect upon
312 this act becoming a law, this act shall take effect July 1,
313 2020.