

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Postsecondary

BILL: CS/SB 266

INTRODUCER: Education Postsecondary Committee and Senator Grall

SUBJECT: Higher Education

DATE: March 16, 2023 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bouck	Bouck	HE	Fav/CS
2.			AED	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 266 includes a number of provisions intended to focus state university administrative and curricular activities on education that benefits students and the state. Specifically, the bill:

- Requires the Board of Governors of the State University System to:
 - Include in the alignment of university missions, and in its strategic plan, economic development needs of the state and nondegree credential attainment, respectively.
 - Include in its regulation a process for universities to initiate a post-tenure review, for cause.
- Modifies personnel policies at each university by:
 - Assigning hiring authority to the university board of trustees (BOT), which may delegate authority to the president.
 - Specifying that the university president may not delegate hiring authority outside the executive management team.
 - Requiring the university BOT to confirm the president’s executive team, and receive evaluations for personnel earning over \$200,000.
- Requires a review of university programs for concepts that violate state law regarding discrimination, and:
 - Prohibits a university from including in the hiring or employment process any activity that violates specified discrimination provisions.
 - Provides additional restrictions on public education institution spending, with exceptions for specified programs.
 - Expands the list of individuals protected from discrimination in prohibited expenditures.

- Adds to the preeminent state research universities program a metric regarding STEM-related research that benefits Florida residents.
- Sets standards and criteria for the identification of general education courses, and specifies that general education core courses may not distort historical events or contain specified content; and protects a student who has completed a general education course from having to take additional general education courses.
- Modifies the purpose, goals, or authorized activities of the Hamilton Center for Classical and Civic Education, Florida Institute of Politics, and the Adam Smith Center for the Study of Economic Freedom.
- Specifies that a required change in accreditation for public postsecondary institutions is a one-time-only change.
- Specifies that students may not lose the “buy one, get one free” tuition waiver if the program is removed from the approved list after enrollment.

The bill takes effect on July 1, 2023.

II. Present Situation:

The Present Situation is included in the Effect of Proposed Changes section of the analysis.

III. Effect of Proposed Changes:

Board of Governors

Present Situation

Powers and Duties

The State University System (SUS) is composed of 12 public universities. The Board of Governors (BOG) is responsible to operate, regulate, control, and be fully responsible for the management of the whole SUS.¹ Fourteen of the 17 members of the BOG are appointed by the Governor and confirmed by the Senate.²

For each constituent university, the BOG, is responsible for cost-effective policy decisions appropriate to the university’s mission, the implementation and maintenance of high-quality education programs within law, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.³ The BOG is, among other duties, responsible for defining the distinctive mission of each constituent university, accounting for expenditures, adopting a strategic plan for the university system and each university, and taking action on proposed or current degree programs.⁴

¹ FLA. CONST., art. IX, s. 7.

² *Id.*

³ Section 1001.706(1), F.S.

⁴ Section 1001.705(2), F.S.

Tenure Review

The Board of Governors may adopt a regulation requiring each tenured state university faculty member to undergo a comprehensive post-tenure review every 5 years. The board may include other considerations in the regulation, but the regulation must address:⁵

- Accomplishments and productivity;
- Assigned duties in research, teaching, and service;
- Performance metrics, evaluations, and ratings; and
- Recognition and compensation considerations, as well as improvement plans and consequences for underperformance.

The BOG has approved a draft regulation which is scheduled to go before the BOG for a final vote at its March 16, 2023 meeting.⁶

According to Integrated Postsecondary Education Data System, in Fall 2021, there were 12,435 individuals with faculty status at Florida public universities, of those, 5,652 are tenured, 2,058 are on a tenure track, and 4,725 are not on a tenure track or are at an institution without a tenure system.⁷ Florida Gulf Coast University and Florida Polytechnic University do not have a tenure system.

Effect of Proposed Changes

Powers and Duties

The bill modifies s. 1001.706, F.S., to require the BOG, in its alignment of the mission of state universities to specified goals, include the existing and emerging economic development needs of the state. Similarly, the bill requires the BOG to include in its strategic plan criteria and metrics for non-degree credentials.

Tenure Review

The bill modifies s. 1001.706, F.S., to establish additional options for a post-tenure faculty review, outside of the five-year schedule that may be adopted by the BOG. The bill requires the BOG regulation include a process and criteria for each university to initiate a post-tenure review of a faculty member at any time, with cause.

⁵ Section 1001.706(6)(b), F.S.

⁶ Board of Governors, *Public Notice of Intent to Adopt Board of Governors Regulation 10.003, Post-Tenure Faculty Review* (Feb. 22, 2023), available at <https://www.flbog.edu/wp-content/uploads/2023/02/Agenda-Item-for-Board-Action-49-1.pdf>.

⁷ Integrated Postsecondary Education Data System. Statistical Tables: Fall 2021; select “Florida” from variable “Institutions, State or Other Jurisdiction,” and select state universities; select from variable “Human Resources: Full-time instructional staff by academic rank, faculty and tenure status:” “With Faculty Status” “Total,” “Tenured,” “On Tenure Track,” and “Not on Tenure Track/No Tenure System.”

Personnel

Present Situation

University Board of Trustees

Each local constituent university is administered by a board of trustees (BOT) composed of 6 citizen members appointed by the Governor and 5 citizen members appointed by the Board of Governors (BOG), all confirmed by the Senate.⁸ The BOG establishes the powers and duties of the boards of trustees. The university president serves as the chief executive officer to the board of trustees and is responsible to the board of trustees for all operations of the university.⁹

Responsibilities of a university BOT include:¹⁰

- Administration of the university in a manner that is dedicated to, and consistent with the university's and system's mission.
- Preparing a workplan to outline strategic directions and specific actions, and performance expectations and outcomes for institutional and systemwide goals.
- Adopting university regulations regarding degree programs, access, academic performance standards, student activities, and student code of conduct.
- Establishing a personnel program for all employees of the university.
- The financial management of the university.
- Compliance with all applicable laws, rules, regulations, and requirements.

Effect of Proposed Changes

Hiring and Personnel Authority

The bill creates s. 1001.725, F.S., to clarify university BOT authority for personnel issues. The bill specifies that each university BOT is responsible for hiring full-time faculty. The president may provide hiring recommendations to the BOT. The president and the BOT are not bound by recommendations or opinions of faculty or other individuals or groups. The BOT may delegate its hiring authority to the president; however, the president may not delegate hiring authority to anyone outside of the executive management team.

The bill requires each university BOT to confirm its president's selection and reappointment of the university's executive management team members and their respective contracts and annual salaries, in accordance with the university's personnel program established by the BOG. Contracts and responsibilities of the president and executive team members, including, but not limited to, provost positions, must explicitly delineate that the duties of positions, other than the president, are limited to administrative oversight and operational supervision of curricular, instructional, and research affairs, as applicable to the position.

Finally, the bill requires each university president to annually present to his or her board of trustees for review the results of performance evaluations and associated salaries of all evaluated personnel earning an annual compensation of \$200,000 or more, regardless of fund source.

⁸ FLA. CONST., art. IX, s. 7(c).

⁹ Board of Governors Regulation 1.001.

¹⁰ *Id.*

Diversity, Equity, and Inclusion

Present Situation

A position statement by the Southern Association of Colleges and Schools (SACS) describes the benefits of diversity, equity, and inclusion policies in postsecondary institutions.

By creating and sustaining an equitable and inclusive institutional culture, colleges and universities can foster a community in which all members can be respected and appreciated for their differences, and in which all learners can be engaged to reach their full potential. Promoting diversity, equity and inclusion is an opportunity for institutions to recruit students of all backgrounds, identities, and abilities; to support them, adapt teaching methods and use technology to meet their needs and break down barriers to learning; and to successfully guide, mentor, retain, and graduate them.¹¹

A statement by the presidents of the Florida College System (FCS) echoes the SACS statement in its description of DEI as a tool “to increase diversity of thought as well as the enrollment and the success of underrepresented populations.” However, this statement also warns that DEI “initiatives and instruction in higher education under the same title have come to mean and accomplish the very opposite and seek to push ideologies such as critical race theory and its related tenets.”¹² The statement continues:

To be clear in this environment, the FCS presidents, by and through the FCS Council of Presidents (COP), will ensure that all initiatives, instruction, and activities do not promote any ideology that suppresses intellectual and academic freedom, freedom of expression, viewpoint diversity, and the pursuit of truth in teaching and learning. As such, our institutions will not fund or support any institutional practice, policy, or academic requirement that compels belief in critical race theory or related concepts such as intersectionality, or the idea that systems of oppression should be the primary lens through which teaching and learning are analyzed and/or improved upon.

Specifically, by February 1, 2023, the FCS presidents commit to having fully evaluated and removed any institutional instruction, training, and policies opposed to the forms of discrimination described in this statement.¹³

On December 28, 2022, the Executive Office of the Governor directed the colleges and universities to provide a comprehensive list of all staff, programs and campus activities related to diversity, equity and inclusion and critical race theory.¹⁴ The list must include costs associated with the administration of each program or activity, including a description of the activities, paid positions and how much of the money is provided by the state.¹⁵ The results of the survey for the

¹¹ Southern Association of Colleges and Schools, Commission on Colleges, *Diversity, Equity and Inclusion* (Dec. 2020), available at <https://sacscoc.org/app/uploads/2019/08/DiversityStatement.pdf>.

¹² Florida College System, *Florida College System Presidents Statement on Diversity, Equity, Inclusion and Critical Race Theory* (Jan. 18, 2023), available at <https://www.fldoe.org/core/fileparse.php/5673/urlt/FCSDEIstatement.pdf>.

¹³ *Id.*

¹⁴ Executive Office of the Governor, Memorandum # 23-021, *Higher Education Program and Activity Survey* (Dec. 28, 2022).

¹⁵ *Id.*

State University System indicated that state universities spend approximately \$34.5 million on such activities, with about \$20.7 million from state funds.¹⁶

Florida Educational Equity Act

The “Florida Educational Equity Act” prohibits discrimination in any program or employment condition on the basis of race, color, national origin, sex, disability, religion, or marital status against a student or an employee in the state system of public K-20 education.¹⁷

Included in the prohibition on discrimination on the basis of race, color, national origin, or sex is subjecting any student or employee to training or instruction that espouses, promotes, advances, inculcates, or compels such student or employee to believe any of the following concepts:

- Members of one race, color, national origin, or sex are morally superior to members of another race, color, national origin, or sex.
- A person, by virtue of his or her race, color, national origin, or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.
- A person’s moral character or status as either privileged or oppressed is necessarily determined by his or her race, color, national origin, or sex.
- Members of one race, color, national origin, or sex cannot and should not attempt to treat others without respect to race, color, national origin, or sex.
- A person, by virtue of his or her race, color, national origin, or sex, bears responsibility for, or should be discriminated against or receive adverse treatment because of, actions committed in the past by other members of the same race, color, national origin, or sex.
- A person, by virtue of his or her race, color, national origin, or sex, should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion.
- A person, by virtue of his or her race, color, sex, or national origin, bears personal responsibility for and must feel guilt, anguish, or other forms of psychological distress because of actions, in which the person played no part, committed in the past by other members of the same race, color, national origin, or sex.
- Such virtues as merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are racist or sexist, or were created by members of a particular race, color, national origin, or sex to oppress members of another race, color, national origin, or sex.

Effect of Proposed Changes

University Mission and Accountability

The bill modifies s. 1001.706, F.S., to require the Board of Governors to periodically review the mission of each constituent university and make updates or revisions as needed. Upon completion of a review of the mission, the board must review existing academic programs to ensure alignment with the mission. The board must include in its review direction to each constituent university to examine its programs for any violation of the discriminatory concepts described in s. 1000.05(4)(a), F.S.

¹⁶ Florida Board of Governors, *Combined SUS DEI Response*, available at https://drive.google.com/file/d/1vQbcRDZmWzewqD_vuFx97zjTIsc0G1O8/view.

¹⁷ Section 1000.05(4)(a), F.S.

Hiring Process

The bill creates s. s. 1001.725, F.S., to prohibit a university from using diversity, equity, and inclusion statements, critical race theory, or other forms of political identity filters that violate the discriminatory concepts in s. 1000.05(4)(a), F.S., as part of the university admissions, hiring, promotion, tenure, or evaluation.

Prohibited Expenditures

The bill adds to current spending restrictions in law for memberships or good and services from any organization that discriminates on the basis of race, color, national origin, sex, disability, or religion.¹⁸ The bill modifies s. 1004.06, F.S., to specify that a Florida College System institution, state university, Florida College System institution direct-support organization,¹⁹ or state university direct-support organization may not expend any funds, regardless of source, to promote, support, or maintain any programs or campus activities that violate the discriminatory concepts in s. 1000.05(4)(a), F.S..

However, the bill exempts from this provision programs required for compliance with federal regulations, or access programs for military veterans, Pell Grant recipients, first generation college students, nontraditional students, “2+2” transfer students from the Florida College System, students from low-income families, or students with unique abilities.

Preeminent State Research Universities Program

Present Situation

The Preeminent State Research University program is a collaborative partnership between the Board of Governors (BOG) and the Legislature to elevate the academic and research preeminence of Florida’s highest performing state research universities.²⁰ A state research university that meets at least 11 of the 12 academic and research excellence standards specified in law is designated as a preeminent state research university.²¹

The academic and research excellence standards are:

- An average weighted grade point average of 4.0 or higher on a 4.0 scale and an average SAT score of 1200 or higher on a 1600-point scale or an average ACT score of 25 or higher on a 36 score scale, for fall semester incoming freshmen.
- A top-50 ranking on at least two well-known and highly respected national public university rankings using the most recent rankings.
- A freshman retention rate of 90 percent or higher for full-time, first-time-in-college (FTIC) students.
- A 4-year graduation rate of 60 percent or higher for full-time, FTIC students.
- Six or more faculty members at the state university who are members of a national academy.

¹⁸ Section 1004.06, F.S.

¹⁹ Direct-support organizations (DSOs) are statutorily created private entities that are generally required to be non-profit corporations, and are authorized to carry out specific tasks in support of public entities or public causes.

²⁰ Section 1001.7065(1), F.S.

²¹ *Id.* at (3).

- Total annual research expenditures, including federal research expenditures, of \$200 million or more.
- Total annual research expenditures in diversified nonmedical sciences of \$150 million or more.
- A top-100 university national ranking for research expenditures in five or more science, technology, engineering, or mathematics fields of study.
- One hundred or more total patents awarded by the United States Patent and Trademark Office for the most recent 3-year period.
- Four hundred or more doctoral degrees awarded annually, including professional doctoral degrees awarded in medical and health care disciplines.
- Two hundred or more postdoctoral appointees annually.
- An endowment of \$500 million or more.

A state university that meets at least 6 of the 12 academic and research excellence standards is designated as an “emerging preeminent state research university.”²²

In the most recent State University System Accountability Plan, Florida State University, the University of Florida, and the University of South Florida are designated as preeminent state research universities. Florida International University and the University of Central Florida are designated as emerging preeminent state research universities.²³

Effect of Proposed Changes

The bill amends s. 1001.7065 to add another criteria to the academic and research excellence standards for designation as a preeminent or emerging preeminent state research university. The bills adds the total annual research expenditures of \$50 million or more benefiting STEM-related occupations, businesses, or industry partners located in this state and currently employing, or seeking to employ, residents of this state.

General Education

Present Situation

Associate in Arts (AA) degrees at an FCS or SUS institution to be no more than 60 semester hours of college credit and include 36 semester hours of general education course work. A baccalaureate degree must be no more than 120 semester hours of college credit, unless prior approval has been granted by the BOG or the SBE, as applicable, and include 36 semester hours of general education coursework.

General Education Core

Students initially entering an FCS or SUS institution in 2015-2016 and thereafter, are required to complete at least one identified general education core course in each of the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. All public postsecondary educational institutions are required to accept these courses as meeting general

²² Section 1001.7065(1), F.S.

²³ Board of Governors, *2022 Accountability Plan, State University System of Florida Summary* (Sept. 14, 2022), available at https://www.flbog.edu/wp-content/uploads/2022/10/2022_SYSTEM_Accountability_Plan_Final.pdf, at 11.

education core course requirements.²⁴ Beginning in 2022-2023, the general education core course requirement is extended to students in an associate in applied science and associate in science degree program.²⁵

General education core course options consist of a maximum of five courses in each identified subject area, but may exceed that limit with SBE or BOG approval. The general education core courses are established in SBE rule²⁶ and BOG regulation²⁷ and include the following courses:

- Communication:
 - ENC X101 English Composition I.
- Humanities:
 - ARH X000 Art Appreciation;
 - HUM X020 Introduction to Humanities;
 - LIT X000 Introduction to Literature;
 - MUL X010 Music Literature/Music Appreciation;
 - PHI X010 Introduction to Philosophy; or
 - THE X000 Theatre Appreciation.
- Mathematics for students initially entering in the Fall Term, 2015, through the 2023-24 academic year:
 - MAC X105 College Algebra;
 - MAC X311 Calculus I;
 - MGF X106 Liberal Arts Mathematics I;
 - MGF X107 Liberal Arts Mathematics II; or
 - STA X023 Statistical Methods.
- Mathematics for students initially entering in the 2024-25 academic year and thereafter:
 - MAC X105 College Algebra;
 - MAC X311 Calculus I;
 - MGF X130 Mathematical Thinking; or
 - STA X023 Statistical Methods.
- Natural Sciences:
 - AST X002 Descriptive Astronomy;
 - BSC X005 General Biology;
 - BSC X010 General Biology I;
 - BSC X085 Anatomy and Physiology I;
 - CHM X020 Chemistry for Liberal Studies;
 - CHM X045 General Chemistry I;
 - ESC X000 Introduction to Earth Science;
 - EVR X001 Introduction to Environmental Science;
 - PHY X020 Fundamentals of Physics;
 - PHY X048 General Physics with Calculus; or
 - PHY X053 General Physics I.
- Social Sciences:
 - AMH X020 Introductory Survey Since 1877;

²⁴ Section 1007.25, F.S.

²⁵ *Id.*

²⁶ Rule 6A-14.0303, F.A.C.

²⁷ Board of Governors Regulation 8.005.

- ANT X000 Introduction to Anthropology;
- ECO X013 Principles of Macroeconomics;
- POS X041 American Government;
- PSY X012 Introduction to Psychology; or
- SYG X000 Principles of Sociology.

A student has completed that core subject area if the student completes a communication, mathematics, or natural science course for which the designated course is a prerequisite.²⁸

Transfer of General Education Courses

Each public postsecondary institution must accept in transfer general education core courses taken at another institution. After completing the general education core course requirements, the remaining courses and credits that fulfill the total 36-hour general education requirement for an associate in arts or baccalaureate degree are at the discretion of the FCS or SUS institution.²⁹

General education programs in Florida, while consistent at the general education core requirements and the total of 36 hours for completion, vary in the selection of institutionally-required courses. Students who transfer with an AA or associate in science (AS) degree, or who have completed their block of 36 general education hours do not have to meet the receiving institution's general education program requirements. If a student does not complete the total 36-hour general education curriculum prior to transfer, each course, outside of courses taken as general education courses, will be reviewed individually to determine if it meets the general education requirements of the new institution.³⁰

Articulation Coordinating Committee

The Commissioner of Education, in consultation with the Chancellor of the State University System, establishes the Articulation Coordinating Committee (ACC), whose primary role is to recommend statewide articulation policies.³¹ Specifically, the ACC must monitor articulation between education systems, propose guidelines for articulation agreements, publish lists of general education and common prerequisite courses, establish dual enrollment course equivalencies to high school credit, and annually review the Statewide Articulation Agreement.³² The Office of K-20 Articulation within the Florida Department of Education provides administrative support to the ACC.³³

Statewide Course Numbering System

The Florida statewide course numbering system (SCNS) is a taxonomy of courses offered by participating postsecondary institutions in order to improve program planning and communication among all delivery systems, and facilitate student acceleration and the transfer of

²⁸ Rule 6A-14.0303, F.A.C. and Board of Governors Regulation 8.005.

²⁹ Florida Board of Governors, *Regulation 8.005 General Education Core Course Options*, available at https://www.flbog.edu/wp-content/uploads/8_005GeneralEducationCore_final.pdf and Rule 6A-14.0303(5), F.A.C.

³⁰ Florida Department of Education, *Statewide Postsecondary Articulation Manual* (Jan. 2021), at 15, available at <https://www.fldoe.org/core/fileparse.php/5421/urlt/Statewide-Articulation-Manual.pdf>.

³¹ Section 1007.01(3), F.S.

³² Section 1007.01(3)(a) and (b), F.S.

³³ Section 1007.01(3), F.S.; s. 20.15(3)(h), F.S.

students and credits between public school districts, public postsecondary educational institutions, and participating nonpublic educational institutions.

Any student who transfers among participating postsecondary educational institutions must be awarded credit by the receiving institution for equivalent courses satisfactorily completed at the previous institution. Courses are considered equivalent if they are judged by the appropriate SCNS faculty committees to be academically equivalent, and are then assigned an equivalent course number. Credits awarded for equivalent courses must satisfy institutional requirements on the same basis as credits awarded to native students.³⁴

All 12 of Florida's state universities, 28 FCS institutions, 40 participating nonpublic postsecondary institutions, and 44 career education centers participate in the SCNS.³⁵

Effect of Proposed Changes

General Education Core Course Options

The bill modifies s. 1007.25, F.S., to require revisions to the general education core course options by faculty committees appointed by the State Board of Education (SBE) and Board of Governors (BOG). Faculty committees must, by December 1, 2023 and each three-years thereafter, review and recommend to the Articulation Coordinating Committee (ACC) and the Commissioner of Education changes to the core course options.

The bill establishes conditions and standards for the content and identification of courses as general education core, which include the following:

- General education core courses may not distort significant historical events or include a curriculum that teaches identity politics that violates the discriminatory concepts in s. 1000.05(4)(a), F.S., or defines American history as contrary to the creation of a new nation based on universal principles stated in the Declaration of Independence.
- General education core courses must meet the following standards:
 - Communication courses must afford students the ability to communicate effectively, including the ability to write clearly and engage in public speaking.
 - Humanities courses must afford students the ability to think critically through the mastering of subjects concerned with human culture, especially literature, history, art, music, and philosophy, and must include selections from the Western canon.
 - Social science courses must afford students an understanding of the basic social and behavioral science concepts and principles used in the analysis of behavior and past and present social, political, and economic issues.
 - Natural science courses must afford students the ability to critically examine and evaluate the principles of the scientific method, model construction, and use the scientific method to explain natural experiences and phenomena.
 - Mathematics courses must afford students a mastery of foundational mathematical and computation models and methods by applying such models and methods in problem solving.

³⁴ Section 1007.24(7), F.S.

³⁵ Florida Department of Education, *Statewide Postsecondary Articulation Manual* (Jan. 2021), at 3, available at <https://www.fldoe.org/core/fileparse.php/5421/urlt/Statewide-Articulation-Manual.pdf>.

The bill requires each public postsecondary institution to offer at least one general education core course in each of the identified subject areas, and accept all such courses, whether or not the receiving institution offers that course.

The bill also protects a student who has completed a general education core course from having to take an additional core course in that subject area if the course is later removed from the identified list.

General Education Courses

The bill creates s. 1007.55, F.S., to specify general education course principles, standards, and content. The bill asserts that every undergraduate student of a Florida public postsecondary educational institution should graduate as an informed citizen through participation in rigorous general education courses that promote and preserve the constitutional republic through traditional, historically accurate, and high-quality coursework. Courses with a curriculum based on unproven, speculative, or exploratory content are best suited as elective or specific program prerequisite credit, not general education credit.

The bill specifies that general education courses must meet the following criteria:

- Be in the general education core subject areas and meet the course standards as provided in law. Therefore, if an institution has a distribution requirement for its 36-hour general education program that is different than that of the general education core, that institution may need to change its requirements.
- Be offered by at least half of all public postsecondary educational institutions; and be identified as lower level in the statewide course numbering system. There are 1,813 unduplicated general education courses among the 40 public postsecondary institutions.³⁶ Of those, 839 are upper-level courses which would no longer be identified as general education. Of the lower-level general education courses, 62 courses are offered by 20 or more institutions. The 912 courses offered by fewer than 20 institution would no longer be designated as general education under the bill.³⁷
- Whenever applicable, provide instruction on the historical background and philosophical foundations of Western civilization and this nation's historical documents, such as the Declaration of Independence, the United States Constitution, the Bill of Rights and subsequent amendments, and the Federalist Papers.

The bill specifies that public postsecondary educational institution boards of trustees and presidents are responsible for annually reviewing and approving, at a public meeting, general education course requirements. Public postsecondary educational institutions that fail to comply with the requirements of this section are not eligible to receive performance-based funding.

The bill requires public postsecondary educational institutions to report courses meeting institutional general education subject requirements to the department by their statewide course number, which is a current practice of the statewide course numbering system. The ACC must,

³⁶ Senate state analysis of Statewide Course Numbering System report: *General Education*. Go to <https://flscns.fldoe.org/ReportsMaint.aspx> and select *General Education* from drop down.

³⁷ *Id.*

by July 1, 2024, and each July 1 thereafter, submit to the SBE and the BOG courses that have been approved as meeting the additional general education requirements.

Finally, similar to the general education core courses, the bill specifies that:

- An identified general education course at the previous institution must be accepted in transfer as general education by a receiving institution, regardless of whether it is offered by the institution.
- An institution may not require a student who has completed a general education course from having to take an additional core course in that subject area if the course is later removed from the institution's identified list.

Hamilton Center for Classical and Civic Education

Present Situation

The Hamilton Center for Classical and Civic Education at the University of Florida was created in 2022³⁸ to support teaching and research concerning the ideas, traditions, and texts that form the foundations of Western and American civilization.³⁹

The goals of the center are to:⁴⁰

- Educate university students in core texts and great debates of Western civilization.
- Educate university students in the principles, ideals, and institutions of the American political order.
- Educate university students in the foundations of responsible leadership and informed citizenship.
- Provide programming and training related to civic education and the values of open inquiry and civil discourse to support the K-20 system.
- Coordinate with the Florida Institute of Politics,⁴¹ the Adam Smith Center for the Study of Economic Freedom,⁴² and assist in the curation and implementation of Portraits in Patriotism.⁴³

Effect of Proposed Changes

The bill modifies s. 1004.6496, F.S., to change the Hamilton Center for Classical and Civic Education at the University of Florida (UF) to a college, and authorizes, until July 1, 2024, the UF BOT to use charitable donations to establish and fund the college. The bill specifies that funds appropriated to the college may not be used for any other purpose, but UF may provide additional funding to the college.

The bill includes in the goals of the college educating university students on the Great Books of Western civilization. Also, the bill provides additional authorization to the college to:

³⁸ Ch. 2022-154, s. 35, Laws of Fla.

³⁹ Section 1004.6496(1), F.S.

⁴⁰ Id. at (2).

⁴¹ Section 1004.6499, F.S.

⁴² Section 1004.64991, F.S.

⁴³ Section 1003.44, F.S.

- Hire necessary faculty and staff, pursuant to university board of trustees hiring authority specified in the bill;
- Enroll students;
- Develop curriculum and offer new courses, including honors courses, certificates, and major and minor programs;
- Award degrees;
- Hold events, including fundraisers;
- Fulfill other actions approved by the president of the university; and
- Generate resources based on student credit hour enrollment, in the same manner as any other college within the institution.

The bill authorizes the UF president to hire a dean, subject to BOT approval, who must report directly to the president, and has the same delegated authority as other deans at the university.

Finally, the bill specifies that faculty of the college may be awarded tenure subject to the tenure policies at UF.

Florida Institute of Politics

Present Situation

The Florida Institute of Politics (institute) was created in 2020⁴⁴ at Florida State University (FSU) to provide the southeastern region of the United States with a world class, bipartisan, nationally renowned institute of politics.⁴⁵

The goals of the institute are to:

- Motivate students throughout FSU to become aware of the significance of government and civic engagement at all levels and politics in general.
- Provide students with an opportunity to be politically active and civically engaged.
- Nurture a greater awareness of and passion for public service and politics.
- Plan and host forums to allow students and guests to hear from and interact with experts from government, politics, policy, and journalism on a frequent basis.
- Become a national and state resource on polling information and survey methodology.
- Provide fellowships and internship opportunities to students in government, nonprofit organizations, and community organizations.
- Provide training sessions for newly elected state and local public officials.
- Organize and sponsor conferences, symposia, and workshops throughout this state to educate and inform citizens, elected officials, and appointed policymakers regarding effective policymaking techniques and processes.
- Create and promote research and awareness regarding politics, citizen involvement, and public service.
- Collaborate with related policy institutes and research activities at FSU and other institutions of higher education to motivate, increase, and sustain citizen involvement in public affairs.

⁴⁴ Ch. 2020-114, ss. 9, 110, Law of Fla.

⁴⁵ Section 1004.6499(1), F.S.

Effect of Proposed Changes

The bill modifies s. 1004.6499, F.S., to change the name of the Florida Institute of Politics (institute) at Florida State University (FSU) to the Florida Institute for Governance and Civics. The bill removes the requirement that the institute be housed in the FSU College of Social Sciences and Public Policy, and removes the stated purpose in favor of specified goals.

The bill substantially changes the goals of the institute to:

- Provide students with access to an interdisciplinary hub that will develop academically rigorous scholarship and coursework on the origins of the American system of government, its foundational documents, its subsequent political traditions and evolutions, and its impact on comparative political systems.
- Encourage civic literacy in this state through the development of educational tools and resources for K-12 and postsecondary students which foster an understanding of how individual rights, constitutionalism, separation of powers, and federalism function within the American system.
- Model civic discourse that recognizes the importance of viewpoint diversity, intellectual rigor, and an evidence-based approach to history.
- Plan and host forums to allow students and guests to hear from exceptional individuals who have excelled in a wide range of sectors of American life, to highlight the possibilities created by individual achievement and entrepreneurial vision.
- Become a national and state resource on using polling instruments and other assessments to measure civic literacy and make recommendations for improving civic education.
- Provide fellowships and internship opportunities to students in government.
- Create through scholarship, original research, publications, symposia, testimonials, and other means a body of resources that can be accessed by students, scholars, and government officials to understand the innovations in public policy in this state over a rolling 30-year time period.

The Adam Smith Center for the Study of Economic Freedom***Present Situation***

The Adam Smith Center for the Study of Economic Freedom was created in 2020⁴⁶ at Florida International University to:⁴⁷

- Study the effect of government and free market economies on individual freedom and human prosperity.
- Conduct and promote research on the effect of political and economic systems on human prosperity.
- Plan and host research workshops and conferences to allow students, scholars, and guests to exchange in civil discussion of democracy and capitalism.
- Provide fellowship and mentoring opportunities to students engaged in scholarly studies of the effect of political and economic systems on human prosperity.

⁴⁶ Ch. 2020-117, s. 8, Laws of Fla.

⁴⁷ Section 1004.64991, F.S.

Effect of Proposed Changes

The bill modifies s. 1004.64991, F.S., to authorize the Adam Smith Center for the Study of Economic Freedom to:

- Hire necessary faculty and staff, pursuant to university board of trustees hiring authority specified in the bill;
- Enroll students;
- Develop curriculum and offer new courses, including honors courses, certificates, and major and minor programs;
- Award degrees;
- Hold events, including fundraisers;
- Fulfill other actions approved by the president of the university; and
- Generate resources based on student credit hour enrollment, in the same manner as any other college within the institution.

Accreditation

Present Situation

In order for students to receive federal student aid from the U.S. Department of Education (USDOE) for postsecondary study, the institution must be accredited by a nationally recognized accrediting agency, be authorized by the State in which the institution is located, and receive approval from the USDOE through a program participation agreement.⁴⁸

To gain or renew accreditation, an institution must be evaluated through a set of procedures established by an accrediting agency. Many of the procedures are guided by federal requirements.

The Commission on Colleges of the Southern Association of Colleges and Schools (SACSCOC) is the body for the accreditation of degree-granting higher education institutions in the Southern states. It serves as the common denominator of shared values and practices primarily among the diverse institutions in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia and Latin America and certain other international sites approved by the SACSCOC Board of Trustees that award associate, baccalaureate, master's, or doctoral degrees.⁴⁹

SACSCOC accredits 74 Florida public and private colleges and universities,⁵⁰ including 12 universities that make up the State University System of Florida, 28 institutions in the Florida College System, and 34 private colleges and universities.

The Board of Governors and the State Board of Education must identify accrediting agencies or associations best suited to serve as an institutional accreditor for state universities and Florida

⁴⁸ United States Department of Education, *Overview of Accreditation in the United States*, <https://www2.ed.gov/admins/finaid/accred/accreditation.html> (last visited February 3, 2022).

⁴⁹ The Southern Association of Colleges and Schools Commission on Colleges website at <https://sacscoc.org/about-sacscoc/> (last visited February 4, 2022).

⁵⁰ Southern Association of Colleges and Schools Commission on Colleges, *SACSCOC Accredited and Candidate List* (July 2021), available at <https://sacscoc.org/app/uploads/2019/11/Institutionswebmemlist.pdf>.

College System institutions, respectively. Such accrediting agencies or associations must be recognized by the database created and maintained by the United States Department of Education. A public postsecondary institution may not be accredited by the same accrediting agency or association for consecutive accreditation cycles. In the year following reaffirmation or fifth-year review by its accrediting agency or association, each public postsecondary institution is required to seek and obtain institutional accreditation from an accrediting agency or association identified by the BOG or SBE, respectively, before its next reaffirmation or fifth-year review date.

Effect of Proposed Changes

The bill modifies s. 1008.47, F.S., to clarify that a public postsecondary institution is not required to change accrediting agencies each accreditation cycle, but that the change in accreditation required in law is restricted to a one-time change, prior to the expiration of this requirement on December 31, 2032.

Buy One, Get One Free Tuition Waiver

State universities must provide a "buy one, get one free" (BOGO) tuition and fee waiver on upper-level courses in one of ten science, technology, engineering, or math (STEM) programs of strategic emphasis (PSE), as adopted by the Board of Governors (BOG).⁵¹ Specifically, for every course in a qualifying PSE in which a student is enrolled, a state university must waive 100 percent of the tuition and fees for an equivalent course in such program. To be eligible, a student must.⁵²

- Be an resident for tuition purposes;⁵³
- Earn at least 60 semester credit hours towards a baccalaureate degree within two academic years after initial enrollment at a Florida public postsecondary institution; and
- Be enrolled in one of 10 STEM PSE.

On June 22, 2021, the BOG adopted eight programs for the BOGO fee waiver: Civil Engineering, Computer + Information Science, Computer Engineering, Electrical + Electronics Engineering, Information Technology, Management Information Systems, Mathematics, and Physics.⁵⁴

Beginning in the 2022-2023 academic year, students are eligible to receive the tuition and fee waiver in two additional PSE, finance and accounting,⁵⁵ as adopted by the BOG.⁵⁶

⁵¹ Section 1009.26(18)(a), F.S.

⁵² *Id.*

⁵³ A student who is classified as a "resident for tuition purposes" is a student who qualifies for the in-state tuition rate. Section 1009.21(1)(g), F.S.

⁵⁴ State University System, *Strategic Planning Committee Meeting Agenda for June 22, 2021*, available at [https://www.flbog.edu/session/strategic-planning-committee-klwekql/ Strategic Planning Committee - State University System of Florida \(flbog.edu\)](https://www.flbog.edu/session/strategic-planning-committee-klwekql/ Strategic Planning Committee - State University System of Florida (flbog.edu).).

⁵⁵ State University System, *Strategic Planning Committee Meeting Agenda for June 29, 2022*, available at https://www.flbog.edu/wp-content/uploads/2022/06/Full_Board_SPC_PSE_Tuition_Waiver_ai_CE-1.pdf

⁵⁶ The Florida Channel, *Florida BOG Meeting Part 2 June 29, 2022*, available at <https://thefloridachannel.org/videos/6-29-22-florida-board-of-governors-meeting-part-2/> at 6:20.

The tuition and fee waiver is applicable only for upper-level courses and for up to 110 percent of the number of required credit hours of the degree program for which the student is enrolled.⁵⁷ For example, for a 120-credit hour state university baccalaureate degree program, the waiver is applicable unless the student has earned an excess of 132 credit hours.

Effect of Proposed Changes

The bill protects students from losing the waiver based on a change to an approved program. The bill authorizes a student to continue receiving the waiver until he or she graduates, exceeds the number of allowable credits, or exits the program, regardless of whether the program is removed from the approved list subsequent to the student's enrollment.

The bill takes effect on July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

⁵⁷ Section 1009.26(b), F.S.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1001.706, 1001.7065, 1004.06, 1004.6496, 1004.6499, 1004.64991, 1007.25, 1008.47, and 1009.26. This bill creates the following sections of the Florida Statutes: 1001.725 and 1007.55.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education Postsecondary on March 15, 2023.

The committee substitute:

- Relating to the powers and duties of the Board of Governors (BOG), requires the BOG to:
 - Align university missions with the existing and emerging economic development needs of the state, and removes education for citizenship in the constitutional republic and workforce needs.
 - Include in its strategic plan provisions for nondegree credential attainment, and removes a requirement to include education for citizenship in the constitutional republic and industry certifications.
 - Include in its regulation regarding tenure review a provision for each university to initiate a post-tenure review at any time, with cause.
- In provisions relating to discriminatory concepts:
 - Requires as a part of the BOG review of university missions, direction to each university to examine programs for discriminatory concepts in s. 1000.05(4)(a), F.S., and removes specific reference to majors, minors, critical race theory, gender studies, and intersectionality.
 - Removes the requirement for each university to submit documentation relating to education for citizenship in the constitutional republic and intellectual autonomy of undergraduates, as well as documentation in its accountability plan of the removal from any major or minor specified discriminatory concepts.
- Related to powers and duties of the university board of trustees (BOT):
 - Specifies hiring authority for full-time faculty.

- Prohibits a president from delegating hiring authority to anyone outside of the executive team, and removes the provision requiring the BOT to approve or deny any selection.
- Prohibits activities in university admissions, hiring, promotion, tenure, or evaluations that violate the discrimination provisions of s. 1000.05(4)(a), F.S.
- Provides additional restrictions on prohibited expenditures by public postsecondary institutions, with exceptions, and expands the list of individuals protected from discrimination to include color and disability, and replaces gender with sex; and provides rule and regulation authority.
- Modifies the general education provisions by:
 - Tying a prohibition on distorting historical events to a violation of the discrimination provisions of s. 1000.05(4)(a), F.S., and removes reference to critical race theory.
 - Replacing the requirement for communication courses to focus on Western literacy traditions with a requirement for humanities courses to include selections from the Western canon.
 - Extending a reporting date for the Articulation Coordinating Committee from July 1, 2023 to July 1, 2024.
 - Specifying that a student may not be required to take additional general education courses if the course completed was subsequently removed from an identified list.
- Specifies that students may continue receiving the “buy one, get one free” tuition waiver even if their programs are removed as eligible program after their enrollment.

B. Amendments:

None.