

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 Appropriations Committee on Higher Education

BILL: SB 1726

INTRODUCER: Senator Calatayud

SUBJECT: Higher Education

DATE: April 9, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jahnke</u>	<u>Bouck</u>	<u>HE</u>	<u>Favorable</u>
2.	<u>Gray</u>	<u>Elwell</u>	<u>AHE</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 1726 establishes term limits for members of the Board of Governors (BOG), the State Board of Education (SBE), and state university and Florida College System (FCS) institution boards of trustees. It also limits the length of time an SBE or FCS institution board of trustees member may serve as board chair.

The bill requires that appointed BOG members be Florida residents and file a full and public disclosure of financial interests. The bill repeals the public records exemption for state university and FCS institution presidential applicants and makes changes to the presidential search and selection process. Finally, the bill requires enhanced textbook, instructional material, and course syllabus transparency from state universities and FCS institutions.

The bill does not have a fiscal impact on state revenues or expenditures. **See Section V., Fiscal Impact Statement.**

The bill is effective July 1, 2025.

II. Present Situation:

Board Appointments, Terms, and Residency Requirements

Board of Governors

The Board of Governors (BOG) of the State University System (SUS) is established as a body corporate to operate, regulate, control, and be fully responsible for the management of the whole university system.¹ The BOG consists of 17 members: 14 citizen members appointed by the Governor and confirmed by the Senate, the Commissioner of Education, the chair of the advisory

¹ FLA. CONST. art. IX, s. 7(d); and s. 1001.70, F.S.

council of faculty senates or the equivalent, and the president of the Florida Student Association or the equivalent. Appointed members serve staggered seven-year terms. There are no term limits for service, including service as chair. Members do not receive compensation but may be reimbursed for travel and per diem expenses.² Florida residency is not required for BOG members.

State Board of Education

The State Board of Education (SBE) is established as a body corporate with supervision of the system of free public education.³ The SBE consists of seven citizen members who are residents of Florida and are appointed by the Governor to staggered four-year terms, subject to Senate confirmation. Members may be reappointed by the Governor but may not serve more than eight years of consecutive service. The SBE selects a chair and vice chair from among its appointed members. The chair serves a two-year term and may be reselected for one additional consecutive term. Members serve without compensation but are entitled to reimbursement for travel and per diem expenses.⁴

State University Boards of Trustees

Each state university is governed by a university board of trustees (UBOT)⁵ composed of 13 members: six citizen members appointed by the Governor and five citizen members appointed by the BOG, all subject to Senate confirmation. The UBOT also includes the chair of the faculty senate (or equivalent) and the president of the student body. Appointed members serve staggered five-year terms. There is no state residency requirement, but the Governor and the BOG must consider diversity and regional representation in appointments. Regional representation includes the chair of a campus board.⁶ UBOT members receive no compensation but may be reimbursed for travel and per diem.⁷

Each UBOT selects its chair and vice chair from among the appointed members. The chair serves a two-year term and may be reselected for one additional consecutive term. Additional consecutive terms are permitted with approval by a two-thirds vote of the board. The chair is responsible for presiding over meetings, calling special meetings, and attesting to board actions.⁸

Florida College System Board of Trustees

Each Florida College System (FCS) institution is governed by a local board of trustees dedicated to the purposes of the state college system.⁹ FCS institution boards of trustees vary in size based on the service area. A board consists of five members if the college serves one school board district, seven members if the board elects to do so within a single district, and up to nine members if the district includes two or more school board districts. Florida State College at

² Section 1001.70, F.S.

³ FLA. CONST. art. IX, s. 2.

⁴ Section 1001.01, F.S.

⁵ FLA. CONST. art. IX, s. 7(c).

⁶ Section 1001.71(1), F.S.

⁷ Section 1001.71(2), F.S.

⁸ Section 1001.71(4), F.S.

⁹ FLA. CONST. art. IX, s. 8(c).

Jacksonville must have an odd number of trustees, and St. Johns River State College must have seven trustees representing its three-county area.¹⁰

Members are appointed by the Governor to staggered four-year terms, subject to Senate confirmation,¹¹ and must reside within the college's service delivery area.¹² They serve without compensation but may be reimbursed for expenses.¹³ Each board elects a chair and vice chair at its first regular meeting after July 1.¹⁴

Full and Public Disclosure of Financial Interests

Full and Public Disclosure

The Florida Constitution requires all elected constitutional officers and candidates for such offices to file a full and public disclosure of their financial interests. Other public officers, candidates, and public employees may also be required to file such disclosures as determined by law.¹⁵ Under the Florida Constitution, "full and public disclosure of financial interests" means disclosing the reporting individual's net worth and the value of each asset and liability exceeding \$1,000.¹⁶ The disclosure must be accompanied by either a sworn statement identifying each separate source and amount of income exceeding \$1,000 or a copy of the individual's most recent federal income tax return. However, beginning January 1, 2023, the Commission on Ethics may no longer accept federal income tax returns for this purpose.¹⁷

Pursuant to general law, the Commission on Ethics has adopted by rule CE Form 6 (Form 6), which is used for full and public financial disclosure.¹⁸ Reporting individuals are required to file Form 6 annually by July 1 through the Commission's electronic filing system.¹⁹

Form 6 requires filers to report their net worth, assets, and liabilities. Each asset valued over \$1,000 must be specifically identified and reported, and each liability over \$1,000 must include the creditor's name and address and the amount owed. Filers must also disclose the value of their net worth as of December 31 of the previous year or a more current date.²⁰

Statement of Financial Interests—Limited Financial Disclosure

In addition to the full financial disclosure required on Form 6, current law provides for a more limited financial disclosure using the Commission on Ethics' CE Form 1 (Form 1).²¹ Form 1 must be filed by a wide range of public officers and employees, including all officers holding elected positions in any political subdivision of the state (other than counties), certain appointed

¹⁰ Section 1001.61(1), F.S.

¹¹ Section 1001.61(2), F.S.

¹² FLA. CONST. art. IX, s. 8(c).

¹³ Section 1001.61(3), F.S.

¹⁴ Section 1001.61(4), F.S.

¹⁵ FLA. CONST. art II, s. 8(a); *See* ss. 112.3144(1)(b) and 112.3145, F.S.

¹⁶ FLA. CONST. art II, s. 8.

¹⁷ *See* 112.3144(6)(c) and (7)(a), F.S.

¹⁸ *See* Rule 34-8.002, F.A.C.

¹⁹ FLA. CONST. art II, s. 8(j)(1); *See* s. 112.3144(2), F.S.

²⁰ *See* FLA. CONST. art II, s. 8(j)(1); s. 112.3144(5)-(6), F.S.; Rule 34-8.004, F.A.C.

²¹ *See* s. 112.3145, F.S.; Rule 34-8.202, F.A.C.

local officials, specified state officers and employees, and individuals seeking to qualify as candidates for these state or local offices.²²

Form 1 requires filers to disclose specified information about their financial interests, including sources of income, real property, intangible personal property, liabilities, and interests in certain businesses. Filers are not required to report exact dollar amounts; instead, they must disclose whether the value of assets or liabilities exceeds certain thresholds.²³

Presidential Search and Selection

State University System

The BOG is responsible for confirming the selection and reappointment of state university presidents by each UBOT.²⁴ The UBOT chair, in consultation with the BOG chair, appoints a 15-member presidential search committee. The committee must include at least three UBOT members, two BOG designees, and representatives from groups such as faculty, students, foundation or financing boards, alumni, donors, and community members. Individuals who report directly to the president are prohibited from serving on the committee.²⁵

The search committee is responsible for developing position criteria aligned with the institution's goals, vetting applicants, reviewing public records, conducting interviews, and recommending an unranked list of more than two qualified final applicants to the UBOT.²⁶ All individuals with access to confidential applicant information are required to sign a non-disclosure agreement (NDA) to ensure the confidentiality of that information.²⁷ The list of final applicants is subject to prior review and approval by the BOG chair. If exceptional circumstances make it infeasible to recommend more than two applicants, the committee must document the reason and determine whether additional applications should be solicited.²⁸ The UBOT selects a president-elect from the recommended list and submits the selection to the BOG for confirmation.²⁹

In the event a UBOT selects an interim president, a formal search is not required; however, the interim appointment must still be confirmed by the BOG. A UBOT may delegate full authority to an interim president to serve before confirmation if determined to be in the best interest of the university.

A public records exemption applies to the personal identifying information of applicants for the position of university president. This information remains confidential until a final group of applicants is established or 21 days before an interview or final action is taken, whichever occurs

²² See s. 112.3145, F.S.; Rule 34-8.202, F.A.C. For a guide explaining who must file the Form 1 and what the Form 1 entails, see Florida Commission on Ethics, *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees*, p. 15-19, available at <https://ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf?cp=2023310> (last visited Apr. 1, 2025).

²³ Section 112.3145, F.S.

²⁴ Section 1001.706(6)(a), F.S.

²⁵ Board of Governors Regulation 1.002(1)(a).

²⁶ Board of Governors Regulation 1.002(1)(c).

²⁷ Board of Governors Regulation 1.002(3) and s. 1004.098, F.S.

²⁸ Board of Governors Regulation 1.002(1)(c).

²⁹ Board of Governors Regulation 1.002(1)(d).

first. Meetings held for the purpose of identifying or vetting applicants are exempt from public meeting requirements; however, a complete recording must be made and maintained. Once the final group of applicants is determined, public meeting and disclosure requirements apply.³⁰

Florida College System

Each FCS institution's board of trustees is responsible for appointing, suspending, or removing the college president. Boards may, but are not required to, establish a presidential search committee.³¹ Upon taking action to appoint, suspend, or dismiss a president, the board must immediately notify the SBE. The UBOT must also inform the president, at the time of contract issuance, of their assigned duties, the procedure by which performance will be evaluated, and the criteria used in the evaluation.³²

Boards are required to evaluate the president annually and submit the completed evaluation to the SBE for review.³³ The evaluation must address the president's achievement of performance goals established through the accountability process and must be conducted in accordance with SBE rules.³⁴

A public records exemption applies to the personal identifying information of applicants for the position of college president. This information remains confidential until a final group of applicants is established or 21 days before an interview or final action is taken, whichever occurs first. Meetings held for the purpose of identifying or vetting applicants are exempt from public meeting requirements; however, a complete recording must be made and maintained. Once the final group of applicants is determined, public meeting and disclosure requirements apply.³⁵

Public Records Exemption

In 2022, the Legislature created a public records and public meetings exemption for presidential searches at state universities and FCS institutions.³⁶ The exemption was intended to expand the pool of qualified applicants by shielding the personal identifying information of candidates who were not selected as finalists. The personal identifying information of an applicant remains confidential until a final group of applicants is established or 21 days before a meeting is held to interview or take final action on a candidate, whichever occurs first.³⁷ Once that threshold is met, public records and public meeting requirements apply.

The exemption also provides that meetings held for the purpose of identifying or vetting applicants are exempt from public meeting requirements; however, a complete recording of any such meeting must be made and maintained. Meetings held to establish candidate qualifications

³⁰ Section 1004.098, F.S.

³¹ Section 1001.64(19), F.S.

³² Rule 6A-14.026, F.A.C.

³³ *Id.*

³⁴ Section 1001.64(19), F.S.

³⁵ Section 1004.098, F.S.

³⁶ *Id.*

³⁷ Section 1004.098(1), F.S.

or compensation frameworks and meetings occurring after the final group of applicants is determined remain subject to public meeting requirements.³⁸

The exemption is subject to the Open Government Sunset Review Act³⁹ and will be repealed on October 2, 2027, unless reviewed and reenacted by the Legislature.⁴⁰

Textbook, Instructional Material, & Course Syllabus Affordability and Transparency

State universities and FCS institutions are required to post, prominently in their course registration systems and on their websites, lists of required and recommended textbooks and instructional materials for at least 95 percent of all courses and course sections offered during the upcoming term. The lists must include the International Standard Book Number (ISBN) or other identifying information, including, at a minimum: the title, all listed authors, publisher, edition number, copyright date, published date, and other relevant information necessary to identify the materials. The lists must:

- Be posted as early as is feasible, but at least 45 days before the first day of class for each term.
- Remain posted for at least five academic years.
- Be searchable by the course subject, course number, course title, instructor name, textbook or material title, and author.
- Be easily downloadable by current and prospective students.

For courses that are designated as general education core course options, institutions must also include course syllabi that provide sufficient detail to inform students of course curriculum, goals and objectives, student expectations, and how performance will be measured.⁴¹

III. Effect of Proposed Changes:

Financial Disclosure

This bill amends s. 112.3144, F.S., to require each citizen member of the Board of Governors (BOG) to annually file a full and public disclosure of his or her financial interests beginning on January 1, 2026.

Board Appointments, Terms, and Residency Requirements

The bill amends s. 1001.01, F.S., to establish term limits for members of the State Board of Education (SBE). Members may serve only two four-year terms, and the chair may serve only a single two-year term.

The bill amends s. 1001.61, F.S., to authorize Florida College System (FCS) institution board of trustees (BOT) members to be reappointed by the Governor for one additional four-year term,

³⁸ Section 1004.098(2), F.S.

³⁹ Section 119.15, F.S.

⁴⁰ Section 1004.098(3), F.S.

⁴¹ Section 1004.085(5), F.S.

not to exceed eight consecutive years of service. The bill also authorizes the BOT chair to serve a single two-year term.

The bill amends s. 1001.70, F.S., to specify that appointed members of the BOG may serve only a single seven-year term, and that each member appointed by the Governor must be a resident of the state.

The bill amends s. 1001.71, F.S., to specify that appointed members of a state university board of trustees (UBOT) may be reappointed for one additional five-year term, not to exceed 10 consecutive years of service. The bill removes diversity from consideration when appointing members and deletes obsolete language.

Presidential Search and Selection

The bill amends s. 1001.64, F.S., to clarify that the SBE does not have the authority to approve or confirm an FCS BOT's appointment, reappointment, suspension, or contract extension of a president. The BOT chair is required to appoint a presidential search committee when selecting an interim or permanent president. The search committee must include at least two BOT members and may include representatives from the institution's faculty, student body, foundation board, financing corporation board (if applicable), alumni, donors, and community members. Individuals who report directly to the president, the Commissioner of Education, and members of the SBE are prohibited from serving on the committee. The interim or permanent president appointed by the BOT must be recommended by the search committee.

The bill amends s. 1001.706, F.S., to exclude the university president from the personnel program established by the BOG for all other university employees. It requires a UBOT to select and reappoint the university president and requires the UBOT chair to appoint a presidential search committee when selecting an interim or permanent president. The committee must include 15 members, at least three of whom must be UBOT members, and may include representatives from the university's faculty, student body, foundation board, financing corporation board (if applicable), alumni, donors, and community members. Individuals who report directly to the president, the Chancellor of the State University System, and members of the BOG are prohibited from serving on the committee. The appointed president must be recommended by the search committee. The bill also eliminates the requirement that the BOG confirm or acknowledge a UBOT's selection or reappointment of a president.

Textbook, Instructional Material, and Course Syllabus Affordability and Transparency

The bill amends s. 1004.085, F.S., to define the terms "syllabus" or "syllabi" to mean the course syllabus or syllabi developed by the instructor assigned to the course, and defines "term" to include the fall, spring, and summer terms. The bill requires FCS and state university institutions to post information on supplemental textbooks prominently, including those that are open access or free of cost, for at least 95 percent of all courses and course sections offered during the upcoming term. Institutions may provide a unique identifier as an alternative to an International Standard Book Number (ISBN), when appropriate, for each required, recommended, and supplemental textbook and instructional material, along with other identifying information.

The lists must be based on instructor-submitted materials and, in addition to current requirements, must be searchable by general education status and course section; include the duration of any access license; provide cost comparisons between bundled and individual purchases; and identify the lowest-cost option available.

The bill also requires course syllabi to be current and posted in the same location as the textbook and instructional materials. Each syllabus must include the course curriculum; required, recommended, and supplemental materials (regardless of cost or open-access status); specific course goals, objectives, and student expectations; and details on how student performance will be evaluated, including grading scale and methodology.

The bill further requires the SBE and BOG to set deadlines for instructors to notify bookstores of required, recommended, and supplemental materials and to consider strategies for providing materials to students who cannot afford them, including the use of open-access resources.

Public Records Exemption

The bill repeals s. 1004.098, F.S., eliminating the public records exemption for applicants seeking a presidency at a state university or FCS institution, thereby making applicant information subject to public disclosure under Florida's open records laws.

The bill is effective July 1, 2025.

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:

The bill imposes residency and term limitations on members of the Board of Governors (BOG). Specifically, the bill requires each BOG member to be a Florida resident, and limits BOG members to a single seven-year term. Art. IX, s. 7(d) of the Florida Constitution establishes the BOG of the State University System (SUS). The only qualification in the Constitution for a member of the BOG is that the member must be

dedicated to the purposes of the SUS. This section of the Constitution does not provide for or consider a residency requirement. Additionally, while the Constitution establishes the staggered terms of seven years for BOG members, it does not specify term limits.

The bill also imposes term limitations on members of a state university board of trustees (BOT). The bill requires that appointed members may be reappointed for one additional term, not to exceed 10 years of consecutive service. Art. IX, s. 7(c) of the Florida Constitution establishes each university BOT—its membership and staggered terms of five years. The Constitution does not specify a limit to the number of terms a BOT member may serve.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill does not have a fiscal impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 112.3144, 1001.01, 1001.61, 1001.64, 1001.70, 1001.706, 1001.71, and 1004.085.

This bill repeals section 1004.098 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
