

**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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/CS/SB 1726

INTRODUCER: Rules Committee; Appropriations Committee on Higher Education and Senator Calatayud

SUBJECT: Higher Education

DATE: April 22, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jahnke	Bouck	HE	<b>Favorable</b>
2.	Gray	Elwell	AHE	<b>Fav/CS</b>
3.	Jahnke	Yeatman	RC	<b>Fav/CS</b>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/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 or graduates of a state university and file a full and public disclosure of financial interests. The bill also establishes similar residency or alumni requirements for members of university boards of trustees and removes the exemption from residency requirements.

The bill revises the presidential search and selection process for both state universities and FCS institutions by requiring a formal search committee and removing the authority of the SBE and BOG to approve or confirm presidential appointments. The bill also defines when presidential applicant information becomes subject to public disclosure, replacing the current public records exemption.

The bill requires enhanced textbook, instructional material, and course syllabus transparency from state universities and FCS institutions. The bill removes the requirement for each university to establish a designated Office of Public Policy Events, while retaining the university's responsibility to fulfill all related duties. The bill removes requirements relating to the Institute

for Freedom in the Americas at Miami Dade College. Additionally, the bill prohibits FCS institutions and state universities from requiring a graduation course that distorts significant historical events or includes prohibited content.

Finally, the bill includes provisions related to university operations, including prohibiting state universities from conducting candidate polling, eliminating the requirement to reserve Public Education Capital Outlay (PECO) funds in escrow for individual projects, requiring the BOG to review university admission criteria as part of its mission review process, and authorizing university boards of trustees to manage auxiliary services, including athletics, with greater flexibility.

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, except as otherwise provided.

## **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.<sup>1</sup> 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 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.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup>

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

<sup>2</sup> Section 1001.70, F.S.

<sup>3</sup> FLA. CONST. art. IX, s. 2.

<sup>4</sup> Section 1001.01, F.S.

### ***State University Boards of Trustees***

Each state university is governed by a university board of trustees (UBOT)<sup>5</sup> 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.<sup>6</sup> UBOT members receive no compensation but may be reimbursed for travel and per diem.<sup>7</sup>

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.<sup>8</sup>

### ***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.<sup>9</sup> 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 Jacksonville must have an odd number of trustees, and St. Johns River State College must have seven trustees representing its three-county area.<sup>10</sup>

Members are appointed by the Governor to staggered four-year terms, subject to Senate confirmation,<sup>11</sup> and must reside within the college's service delivery area.<sup>12</sup> They serve without compensation but may be reimbursed for expenses.<sup>13</sup> Each board elects a chair and vice chair at its first regular meeting after July 1.<sup>14</sup>

## **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.<sup>15</sup> Under the Florida Constitution, "full and public disclosure of financial interests" means

<sup>5</sup> FLA. CONST. art. IX, s. 7(c).

<sup>6</sup> Section 1001.71(1), F.S.

<sup>7</sup> Section 1001.71(2), F.S.

<sup>8</sup> Section 1001.71(4), F.S.

<sup>9</sup> FLA. CONST. art. IX, s. 8(c).

<sup>10</sup> Section 1001.61(1), F.S.

<sup>11</sup> Section 1001.61(2), F.S.

<sup>12</sup> FLA. CONST. art. IX, s. 8(c).

<sup>13</sup> Section 1001.61(3), F.S.

<sup>14</sup> Section 1001.61(4), F.S.

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

disclosing the reporting individual's net worth and the value of each asset and liability exceeding \$1,000.<sup>16</sup> 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.<sup>17</sup>

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.<sup>18</sup> Reporting individuals are required to file Form 6 annually by July 1 through the Commission's electronic filing system.<sup>19</sup>

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.<sup>20</sup>

### ***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).<sup>21</sup> 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 local officials, specified state officers and employees, and individuals seeking to qualify as candidates for these state or local offices.<sup>22</sup>

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.<sup>23</sup>

## **Presidential Search and Selection**

### ***State University System***

The BOG is responsible for confirming the selection and reappointment of state university presidents by each UBOT.<sup>24</sup> 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,

<sup>16</sup> FLA. CONST. art II, s. 8.

<sup>17</sup> See 112.3144(6)(c) and (7)(a), F.S.

<sup>18</sup> See Rule 34-8.002, F.A.C.

<sup>19</sup> FLA. CONST. art II, s. 8(j)(1); See s. 112.3144(2), F.S.

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

<sup>21</sup> See s. 112.3145, F.S.; Rule 34-8.202, F.A.C.

<sup>22</sup> 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).

<sup>23</sup> Section 112.3145, F.S.

<sup>24</sup> Section 1001.706(6)(a), F.S.

foundation or financing boards, alumni, donors, and community members. Individuals who report directly to the president are prohibited from serving on the committee.<sup>25</sup>

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.<sup>26</sup> All individuals with access to confidential applicant information are required to sign a non-disclosure agreement (NDA) to ensure the confidentiality of that information.<sup>27</sup> 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.<sup>28</sup> The UBOT selects a president-elect from the recommended list and submits the selection to the BOG for confirmation.<sup>29</sup>

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 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.<sup>30</sup>

### ***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.<sup>31</sup> 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.<sup>32</sup>

Boards are required to evaluate the president annually and submit the completed evaluation to the SBE for review.<sup>33</sup> 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.<sup>34</sup>

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<sup>25</sup> Board of Governors Regulation 1.002(1)(a).

<sup>26</sup> Board of Governors Regulation 1.002(1)(c).

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

<sup>28</sup> Board of Governors Regulation 1.002(1)(c).

<sup>29</sup> Board of Governors Regulation 1.002(1)(d).

<sup>30</sup> Section 1004.098, F.S.

<sup>31</sup> Section 1001.64(19), F.S.

<sup>32</sup> Rule 6A-14.026, F.A.C.

<sup>33</sup> *Id.*

<sup>34</sup> Section 1001.64(19), F.S.

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### **Public Records Exemption**

In 2022, the Legislature created a public records and public meetings exemption for presidential searches at state universities and FCS institutions.<sup>36</sup> 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.<sup>37</sup> 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 or compensation frameworks and meetings occurring after the final group of applicants is determined remain subject to public meeting requirements.<sup>38</sup>

The exemption is subject to the Open Government Sunset Review Act<sup>39</sup> and will be repealed on October 2, 2027, unless reviewed and reenacted by the Legislature.<sup>40</sup>

### **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.

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<sup>35</sup> Section 1004.098, F.S.

<sup>36</sup> *Id.*

<sup>37</sup> Section 1004.098(1), F.S.

<sup>38</sup> Section 1004.098(2), F.S.

<sup>39</sup> Section 119.15, F.S.

<sup>40</sup> Section 1004.098(3), F.S.

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.<sup>41</sup>

### **Public Education Capital Outlay (PECO) Project Prioritization**

The BOG is required to submit a prioritized list of projects to receive PECO funding.<sup>42</sup> Projects considered for prioritization must be chosen from a preliminary selection group that includes projects that have previously had state funds appropriated that have not yet been completed<sup>43</sup> and the top two priorities of each state university.

The BOG uses a points-based prioritization method to rank projects for consideration from the preliminary selection group that awards points for the degree to which a project meets specific criteria compared to other projects in the preliminary selection group. The project scoring the highest for each criterion shall be awarded the maximum points in the range of points within the points scale developed by the board.<sup>44</sup>

A new construction, remodeling, or renovation project that has not received an appropriation in a previous year must not be considered for inclusion on the prioritized list, unless:<sup>45</sup>

- A plan is provided to reserve funds in an escrow account, specific to the project, into which shall be deposited each year an amount of funds equal to one percent of the total value of the building for future maintenance;
- There exists sufficient capacity within the cash and bonding estimate of funds by the Revenue Estimating Conference to accommodate the project within the three-year PECO funding cycle; and
- The project has been recommended in a state university's educational plant survey.<sup>46</sup>

### **Required Courses**

The chairs of the SBE and the BOG jointly appoint faculty committees to review and recommend general education core course options for approval. These reviews must occur every four years and may include recommendations to remove, align, or add courses to the statewide course numbering system.

General education core course options must be drawn from the five primary subject areas: communication, mathematics, social sciences, humanities, and natural sciences. Each subject area may include up to five core courses. All general education core courses are expected to contain rigorous academic content, including high-level critical thinking skills and common competencies that students must demonstrate to complete the course successfully.

Additionally, courses may not include curriculum content that distorts significant historical events or promotes identity politics. Furthermore, they must not violate state anti-discrimination

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<sup>41</sup> Section 1004.085(5), F.S.

<sup>42</sup> Section 1013.64(4), F.S.

<sup>43</sup> Section 1001.706(12)(d), F.S.

<sup>44</sup> Section 1001.706(12)(a)-(b), F.S.

<sup>45</sup> Section 1001.706(12)(c), F.S.

<sup>46</sup> Section 1013.31, F.S.

policies,<sup>47</sup> or be based on theories suggesting that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to perpetuate inequality.<sup>48</sup>

### **Auxiliary Services**

“Auxiliary enterprises” includes activities that directly or indirectly provide a product or a service, or both, to a university or its students, faculty, or staff and for which a charge is made.<sup>49</sup> These auxiliary enterprises are business activities of a university which require no support from the General Revenue Fund, and include activities such as housing, bookstores, student health services, continuing education programs, food services, college stores, operation of vending machines, specialty shops, day care centers, golf courses, student activities programs, data center operations, and intercollegiate athletics programs.<sup>50</sup>

Under current BOG regulation<sup>51</sup>, each auxiliary service is an individual entity and is accounted for as such. A service may be operated by the institution or by a private contractor under the institution’s supervision. Under either arrangement, all pertinent institutional revenues and costs are assigned to the auxiliary service.

A uniform system of financial reporting is required for auxiliary services within the SUS. Each institution may determine whether its auxiliary services will be self-supporting on an individual or collective basis, except for athletics, which must be a self-supporting entity. The use of unreserved cash from a non-athletic auxiliary may be considered for athletics by the UBOT and approved by the BOG, which will consider this on a case by case basis, taking into consideration the unique facts and circumstances surrounding each situation. The university administration must provide, at a minimum, the following information to the UBOT for its consideration, and subsequently to the BOG, so that a transparent and informed decision can be made:

- The specific non-athletic auxiliary the funds are coming from, the amount of the proposed transfer, and the amount of reserves available.
- Justification that the use of unreserved cash from the non-athletic auxiliary will benefit the broader student body or campus community.
- If the supporting non-athletic auxiliary has outstanding debt, verification that the funds to be used are unreserved cash balances and that sufficient current revenues exist to cover all expenditures, including, but not limited to, debt service payments, and required reserves.
- Assurance by the university, with concurrence of the Division of Bond Finance, that such transfer does not violate any bond covenants.
- In the event the non-athletic auxiliary revenues to be transferred include student fees or payments, documentation that a disclosure has been made to students that non-athletic auxiliary revenues which include student fees or payments will be transferred to athletics.

Revenues for auxiliary services must not be provided from general revenue supported budget entities except in payment of goods and/or services. Provided, however, auxiliary services may

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<sup>47</sup> Section 1000.05, F.S.

<sup>48</sup> Section 1007.25(3), F.S.

<sup>49</sup> FLA. CONST. art 3, s. 19(f)(3).

<sup>50</sup> Section 1011.47(1), F.S.

<sup>51</sup> Board of Governors Regulation 9.013.



be housed in buildings that are financed from other sources. Proposed expenditures from the various auxiliary funds must be reflected in annual budgets filed with the Board of Governors.

### **Office of Public Policy Events**

Each university within the State University System is required to establish an Office of Public Policy Events and appoint a Director of Public Policy Events to oversee its responsibilities.<sup>52</sup> The office must organize, publicize, and host at least four debates or group forums each academic year, two in the fall and two in the spring, that explore a wide range of public policy issues from divergent and opposing viewpoints. Speakers must reflect widely held perspectives from both within and outside the university community, and the office is authorized to provide per diem and travel reimbursements to external speakers when necessary.<sup>53</sup>

The office is also responsible for maintaining a permanent, publicly accessible, and searchable calendar of its events and other public policy-related events open to the campus community. The calendar must include event titles, speaker names and affiliations, and sponsoring departments or organizations, and must be posted online and preserved within the university's library system.<sup>54</sup>

Each year by September 1, the office must submit a report to the BOG documenting the number of events, student attendance figures, speaker information, and any travel-related expenditures from the prior academic year.<sup>55</sup> Additionally, a complete video recording of each sponsored event must be posted on the office's website within 10 business days and remain accessible for at least five years, with permanent preservation in the university's library.<sup>56</sup>

A state university may assign these responsibilities to an existing administrative office with approval from its board of trustees and the BOG.<sup>57</sup> Each office must report directly to either the university's office responsible for Integrated Postsecondary Education Data System (IPEDS) graduation rate reporting or the Office of General Counsel.<sup>58</sup> All events must be open to students, faculty, and staff, and generally to the public unless a restriction is necessary to meet a compelling governmental interest.<sup>59</sup>

### **Institute for Freedom in the Americas**

The Institute was established at Miami Dade College by the Legislature in 2024 with a mission to preserve the ideals of a free society and promote democracy in the Americas.<sup>60</sup> The Institute is dedicated to fostering a culture of freedom, democracy, and global governance. It prepares future leaders to make a lasting positive impact in their communities by championing democratic

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<sup>52</sup> Section 1001.93(3), F.S.

<sup>53</sup> Section 1001.93(3)(a), F.S.

<sup>54</sup> Section 1001.93(3)(b), F.S.

<sup>55</sup> Section 1001.93(3)(c), F.S.

<sup>56</sup> Section 1001.93(3)(d), F.S.

<sup>57</sup> Section 1001.93(4), F.S.

<sup>58</sup> Section 1001.93(5), F.S.

<sup>59</sup> Section 1001.93(6), F.S.

<sup>60</sup> Section 1004.89, F.S.

values and processes. Committed to promoting civic engagement and encouraging global dialogue, the Institute serves as a beacon for advancing democratic principles worldwide.<sup>61</sup>

### **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 creates s. 20.701, F.S., to establish residency requirements for members of a state university board of trustees (UBOT) and the BOG. Specifically, the bill requires each member of a UBOT to be a United States citizen and either a resident of Florida or a graduate of the university overseen by the board. Each member of the BOG must be a United States citizen and either a resident of Florida or a graduate of a state university. The bill provides that the office of any member who does not meet the requirements is automatically deemed vacant.

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, not to exceed eight consecutive years of service. BOT members are authorized to continue to serve until a successor is appointed. 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 the exemption of UBOT members from state residency requirements. The bill removes diversity from consideration when appointing members and deletes obsolete language. An appointed UBOT member is authorized to continue to serve until a successor is appointed.

#### **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

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<sup>61</sup> Miami Dade College, *Institute for Freedom in the Americas*, <https://www.mdc.edu/instituteforfreedom/> (last visited Apr. 21, 2025).

president. The BOT chair is required to appoint a presidential search committee when selecting a 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 permanent president appointed by the BOT must be recommended by the search committee. The bill authorizes an FCS presidential contract to be renewed for a term exceeding one year, up to the original contract term length.

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 a 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 permanent president selected by the UBOT 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. The bill authorizes a state university presidential contract to be renewed for a term exceeding one year, up to the original contract term length.

### **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 specifies that the lists of required and recommended textbooks and instructional materials must include materials that are no-cost or open access and must include a unique identifier, if available, and must include any relevant information necessary to identify the specific resource.

The lists must be, to the maximum extent possible, based on instructor-submitted list and, in addition to current requirements, must be searchable by general education status and course section; and include the duration of any access license allowing access to the textbook or instructional material for which students must purchase or pay for access.

The bill also requires course syllabi to be current and posted in the same location as the textbook and instructional materials at least 10 business days before the start of the term. The bill specifies that individualized courses, such as directed individual studies, thesis, dissertation defense, and performance, are exempt from posting the syllabi. Each syllabus must include the course curriculum; required and recommended 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.

**Public Records Exemption**

The bill amends s. 1004.098, F.S., defining a “final group of applicants” as no fewer than three applicants who will receive final consideration for president of a state university or FCS institution, thereby establishing the threshold for when applicant information becomes subject to public disclosure under Florida’s open records laws.

**Candidate Polling**

The bill amends s. 1001.706, F.S., prohibiting state universities from conducting candidate polling activities related to candidates for any federal, state, or local office. However, the bill permits state universities to conduct survey research to measure opinions and inform the public about social, political, and economic issues unrelated to candidate preference.

**Public Education Capital Outlay**

The bill amends s. 1001.706, F.S., removing the requirement that funds for Public Education Capital Outlay (PECO) projects be reserved in escrow accounts specific to each individual project.

**State University Admission Criteria**

The bill amends s. 1001.706, F.S., requiring the BOG to review admission criteria, in addition to academic programs, during its review of each university’s mission. The bill expands the directive to universities by including admission criteria, not just curriculum, when identifying violations or content based on certain prohibited theories. Additionally, each state university must publicly post program admission criteria on its website to assist with the BOG’s review.

**Required Courses**

The bill amends s. 1007.25, F.S., prohibiting FCS institutions and state universities from requiring a course for graduation that distorts significant historical events or includes prohibited content, such as teaching identity politics or theories that systemic racism, sexism, oppression, and privilege are inherent in United States institutions. This aligns with existing restrictions placed on general education core courses, which are similarly prohibited from including such content.

**Auxiliary Services**

The bill amends s. 1011.47, F.S., authorizing each UBOT to determine whether its auxiliary services, including intercollegiate athletics, will be self-supporting individually or collectively. The bill also authorizes UBOTs to approve the transfer of unreserved cash from one auxiliary enterprise to support another, as long as the transfer does not reduce necessary revenues to cover expenses, violate bond covenants, or impact debt service payments and required reserves. All such transfers are required to be reported to the BOG annually. The bill provides a sunset date of June 30, 2030.

**Office of Public Policy Events**

The bill modifies s. 1001.93, F.S., removing the requirement for each university to establish a designated Office of Public Policy Events and appoint a Director of Public Policy Events, but retains the requirement that the university ensure all associated duties, such as organizing events, maintaining calendars, and reporting, are fulfilled. The bill replaces the detailed calendar of events requirements with a more general provision requiring the university to maintain on its website a publicly accessible listing of all events sponsored by the state university during the prior and current academic year.

Additionally, the bill clarifies that the required report to the Board of Governors must include the number of all people attending each event and no longer requires per diem or reimbursement expenditure information. The bill also reduces the timeframe that video recordings of debates and group forums must remain publicly accessible from 5 years to 1 year.

**Institute for Freedom in the Americas**

The bill amends s. 1004.89, F.S., removing a requirement that the Institute for Freedom in the Americas (Institute) at Miami Dade College partner with the Adam Smith Center for Economic Freedom at Florida International University to hold workshops, symposiums, and conferences. The bill also removes a requirement for Miami Dade College to approve a direct-support organization to support the Institute in its mission to develop partnerships throughout the Americas.

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. However, the bill may provide additional flexibility to institutions by authorizing:

- Florida College System (FCS) institutions and state universities to reserve Public Education Capital Outlay (PECO) funds in an escrow not specific to each individual project.
- Each university board of trustees (UBOT) to approve the transfer of unreserved cash from one auxiliary enterprise to support another, as long as the transfer does not reduce necessary revenues to cover expenses, violate bond covenants, or impact debt service payments and required reserves.

There would impact Miami Dade College, as it would no longer share costs with the Adam Smith Center for Economic Freedom at FIU for the Institute for Freedom in the Americas (Institute) to host workshops, symposiums, and conferences. The amendment also removes the college's authority to approve a direct-support organization (DSO) to raise funds and manage resources for the Institute.

**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, 1001.93, 1004.085, 1004.89, 1007.25, and 1011.47.

The bill creates section 20.701 of Florida Statutes.

This bill repeals section 1004.098 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

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

**CS/CS by Rules on April 21, 2025:**

The committee substitute maintains provisions from the bill and includes the following new provisions:

- Removes the requirement for each university to establish a designated Office of Public Policy Events and appoint a director, while retaining the university's responsibility to fulfill all related duties; simplifies event calendar and reporting requirements; and shortens the public accessibility period for event recordings from 5 to 1 year.
- Removes the requirement that the Institute for Freedom in the Americas at Miami Dade College partner with the Adam Smith Center for Economic Freedom at Florida International University to hold workshops, symposiums, and conferences.
- Removes the requirement for Miami Dade College to approve a direct-support organization to support the Institute.

**CS by Appropriations Committee on Higher Education on April 10, 2025:**

The committee substitute maintains provisions from the bill with modifications. The amendment removes from the bill the following:

- Use of search committees for interim presidential appointments.
- Inclusion of "supplemental" materials and cost requirements related to textbook and instructional materials affordability and transparency.
- The repeal of the public records exemption for state university and Florida College System (FCS) institution presidential applicants.

The committee substitute also includes the following new provisions:

- Requires members of state university boards of trustees (BOT) and the Board of Governors (BOG) to be US citizens, but provides a residency exemption for members of a state university BOT or the BOG who are graduates of a state university.
- Authorizes FCS institution and state university presidential contracts to be renewed for a term exceeding one year, up to the original contract terms.
- Prohibits state universities from conducting candidate polling activities but permits them to survey public opinion on non-candidate issues.

- Requires the BOG to review both admission criteria and academic programs during university mission reviews and evaluations of violations of prohibited content.
- Removes escrow account requirement for Public Education Capital Outlay (PECO) project funds.
- Modifies requirements for textbook and instructional materials transparency and includes requirements for no-cost, open access materials.
- Requires that course syllabi be posted at least 10 days before the term begins, with certain exceptions.
- Defines the term “final group of applicants” to mean no fewer than three applicants who will receive final consideration for president of a state university or FCS institution.
- Prohibits FCS institutions and state universities from requiring a course with specified prohibited content for graduation.
- Authorizes each state university board of trustees to decide if auxiliary services must be self-supporting individually or collectively, and authorizes cash transfers with conditions.

B. Amendments:

None.