

HB 7237, 1st Eng. — State University System Governance

by Education Policy Council and Rep. Weatherford (CS/CS/SB 1786 by Policy and Steering Committee on Ways and Means; Higher Education Committee; and Senators Oelrich and Lynn)

Governance

This bill statutorily establishes the Board of Governors' (BOG) authority over the university boards of trustees and the university personnel system, except for state group insurance and retirement which are administered by the Department of Management Services. The Board of Governors must confirm the presidential selection by the university board of trustees. The BOG approves new degree programs and must report annually to the Legislature requests for new programs and the BOG's decision regarding the proposals.

Planning and Coordination

The bill creates a 7-member Higher Education Coordinating Council to identify university system needs; facilitate solutions to disputes regarding the creation of new degree programs, institutes, campuses, or centers; and make recommendations to the Board of Governors, State Board of Education and the Legislature regarding articulation and access to higher education. The council is comprised of the Chancellor of the State University System of Florida, the Chancellor of the Florida College System; the Commissioner of Education; the President of the Independent Colleges and Universities of Florida; the Executive Director of the Commission for Independent Education; and two members representing the business community, one appointed by the President of the Senate and one by the Speaker of the House of Representatives. The BOG staff will support the work of the council.

Tuition and Fees

The bill maintains current law under which the Legislature establishes university tuition and delegates legislative authority to the BOG to establish the tuition differential. The bill authorizes the BOG to approve university boards of trustees proposals for flexible policies for tuition and fees as long as the policies are in alignment with the university's mission and do not increase the state's liability or obligation for the Florida Bright Futures Scholarship program or the Stanley G. Tate Florida Prepaid College Program. The aggregate sum of new fees authorized by the BOG may not exceed 10 percent of tuition. The BOG may approve a university board of trustees' proposal to increase the current cap for certain existing user fees. The BOG may approve a university board of trustees' proposal to implement undergraduate or graduate block tuition, block tuition differential, or market-rate tuition for graduate-level online courses or graduate-level continuing education courses. The BOG must submit an annual report to the President of the Senate, the Speaker of the House of Representatives, and the Governor summarizing the tuition and fee proposals received by the board during the preceding year and the actions taken by the board in response to such proposals.

Rules and Regulations

The BOG is subject to the Administrative Procedures Act when it is acting pursuant to statutory authority, and the bill authorizes the BOG to adopt regulations instead of rules when it is expressly authorized or required by law to do so. The BOG's procedure for adopting regulations that are authorized or required by law must provide for notice to the public, opportunity for public comment, a process for challenge, and publication of the regulation development procedure on the BOG's and the universities' websites. If the BOG delegates a statutory power or duty to a university board of trustees, the authority to adopt rules or regulations is included in the delegation. The bill directs the Department of State to remove from the Florida Administrative Code the BOG rules that have been superseded by BOG regulations.

If approved by the Governor, these provisions take effect July 1, 2010.

Vote: Senate 37-1; House 109-0