

STORAGE NAME: h1567.cu

DATE: March 2, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
Colleges & Universities
ANALYSIS**

BILL #: HB 1567 (PCB CU 00-03)

RELATING TO: Rulemaking Authority within the State University System

SPONSOR(S): Committee on Colleges & Universities and Representative Casey and others

TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

(1) COLLEGES & UNIVERSITIES YEAS 4 NAYS 2

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I. SUMMARY:

The 1999 Legislature amended the Administrative Procedures Act to provide that an agency may adopt only rules that implement or interpret "specific powers and duties" granted by statute. Each agency was directed to submit by October 1, 1999, a list of rules adopted before June 18, 1999 which exceed the new standards for rulemaking authority. The State University System submitted a report identifying over 200 rules or portions of rules believed to be generally rather than specifically authorized. The rules identified by the State University System relate to admissions; enrollment; students; fees; academic policies; personnel; finances; property and facilities; sponsored research; faculty practice plans; athletics; and other administrative matters.

HB 1567 provides the State University System (the Board of Regents and state universities) the authority to adopt rules on the following topics: the establishment and waiver of certain fees; the management of systemwide enrollment; the establishment of policies relating to credit and noncredit educational offerings; the establishment and regulation of faculty practice plans; conditions of employment of university personnel; management of property and financial resources; student government; use and protection of data and technology; compliance with federal laws; patents, copyrights, and trademarks; university admissions; divisions of sponsored research; and student and employee conduct.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

The 1999 Legislature amended the Administrative Procedures Act to provide that an agency may adopt only rules that implement or interpret "specific powers and duties" granted by statute. Each agency was directed to submit by October 1, 1999, a list of rules adopted before June 18, 1999 which exceed the new standards for rulemaking authority. The State University System (SUS) submitted a report identifying over 200 rules or portions of rules believed to be generally rather than specifically authorized.

The rules identified by the State University System can be categorized under the following general topics:

(1) **Admissions: SUS** -- Rule 6C-6.006, Acceleration Mechanisms for Program Completion. **University of Florida (UF)** -- Rule 6C1-1.016, Admissions. **Florida State University (FSU)** -- Rule 6C2-5.003, University Undergraduate Admission Committee Procedures; 6C2-5.019, Special Non-Degree Seeking Students. **University of South Florida (USF)** -- Rule 6C4-3.006, Advanced Placement; 6C4-3.008, Admission to Graduate Studies; 6C4-3.018, Admission to USF. **Florida Atlantic University (FAU)** -- Rule 6C5-2.001, Admission Requirements. **University of West Florida (UWF)** -- Rule 6C6-3.001, Undergraduate Admissions and Articulation; 6C6-3.002, Admission to Graduate Programs; 6C6-3.005, Appeal of Denial Admission -- Academic; 6C6-3.007, Admission of Applicants with Records of Previous Misconduct or Medical/Psychological Problems. **University of Central Florida (UCF)** -- Rule 6C7-2.001, Admissions and Readmissions; 6C7-2.002, New Entering Freshmen; 6C7-2.003, Graduate Students; 6C7-2.0031, Post-baccalaureate Non-degree Students; 6C7-2.004, Undergraduate Transfer Student Admissions. **Florida International University (FIU)** -- Rule 6C8-3.003, Undergraduate Admissions; 6C8-3.004, Graduate Admissions; 6C8-3.006, Foreign Student Admissions; Exchange Visitor Insurance Requirements. **UNF** -- Rule 6C9-3.003, Admissions; 6C9-3.004, Admission from Secondary School; 6C9-3.005, Admission Requirements - Transfer; 6C9-3.006, Admission Requirements - Graduate; 6C9-3.007, Special Graduate Admission Requirements; 6C9-3.008, Admission Requirements - Post-Baccalaureate; 6C9-3.009, Admission Requirements - International Students; 6C9-3.010, Admission Requirements - Interinstitutional Transient Students; 6C9-3.011, Admission Requirements - Other Transient Students; 6C9-3.012, Admission Requirements - Special Students; 6C9-3.013, Re-Admission.

(2) Enrollment: **SUS** -- Rule 6C-6.016, Summer Session Enrollment; 6C-7.006, Limitation on Non-resident Student Enrollment; 6C-7.008, Sponsored Institutes and Programs; 6C-8.002, Continuing Education; 6C-8.009, Definition and Process for Establishing Educational Sites. **USF** -- Rule 6C4-3.016, Student Attendance at First Class Meeting; 6C4-3.020, Cooperative Education; 6C4-4.0101, Student Registration; 6C4-6.027, Residency. **FAU** -- Rule 6C5-2.004, Enrollment Priorities and Limitations. **UWF** -- Rule 6C6-3.029, Involuntary Withdrawal for Medical or Psychological Reasons. **FIU** -- rule 6C8-3.017, Enrollment Limitation Plan.

(3) Students: **SUS** -- Rule 6C-6.0103, Student Government Associations; 6C-6.011, Institutional Responsibility for Student Life and Student Organizations. **UF** -- 6C1-4.002, Student Government Constitution; 6C1-4.003, Student Organizations; 6C1-4.004, Social Fraternities and Sororities; 6C1-4.006, Commercial Activity -- Selling of Merchandise, Activities Involving Off-Campus Vendors; 6C1-4.009, The University of Florida Career Resource Center; 6C1-4.010, Employee Registration; 6C1-4.012, Grievance Procedure; 6C1-4.0163, Victim Services on Campus; 6C1-4.035, Health and Accident Insurance Requirements for Foreign Students; 6C1-5.002, Student Immunizations. **FSU** -- Rule 6C2-3.001, Student Governance; 6C2-3.0015, Student Organization and Activities. **USF** -- Rule 6C4-2.0021, Student Records Policy; 6C4-3.022, Use of University Career Resource Center Facilities and Services; 6C4-6.012, Financial Aid & Student Employment; 6C4-6.0121, Financial Aid Grievances and Administration, Distribution and Use of Institutional Financial Aid Resources; 6C4-6.013, University Residence Halls; 6C4-6.0161, Tampa Campus Student Health Center Services; 6C4-6.0162, International Student Center: Insurance Requirements for International Students; 6C4-6.017, Registration and Conduct of Student Organizations; 6C4-6.028, Student Government Association. **FAU** -- Rule 6C5-4.004, Miscellaneous Student Rules; 6C5-4.007, Student Organizations; 6C5-4.010, Major Medical Insurance Requirements for Foreign Students; 6C5-4.013, Student Financial Aid. **UWF** -- 6C6-3.011, Student Grievances; 6C6-3.017, Release of Student Educational Records; 6C6-3.022, Student Publications; 6C6-3.023, Student Organizations. **UCF** -- Rule 6C7-5.001, Student Affairs; 6C7-5.0021, Student Government and Organizations. **FIU** -- 6C8-11.003, Access to Student Education Records; 6C8-11.004, Student Health Services; 6C8-3.014, Non-academic Suspensions; 6C8-3.016, Student Organizations; 6C8-3.018, Financial Aid; 6C8-4.009, Student Employment. **FGCU** -- 6C10-4.001, Student Rights and Responsibilities; 6C10-4.005, Student Activities.

(4) Fees: **SUS** -- Rule 6C-7.002(3), University Use of Fee (2nd sentence); 6C-7.002(9), Procedure for Refund of Fee; 6C-7.003(1), Audit Registration; 6C-7.003(2), Registration for Zero Hours; 6C-7.003(3), Application Fee; 6C-7.003(4), Late Registration Fee; 6C-7.003(5), Late Payment Fee; 6C-7.003(6), Miscellaneous Services -- at cost; 6C-7.003(9), Public Interest Research Group; 6C-7.003(11), Library Fines; 6C-7.003(12), Overdue Reserve Library Book; 6C-7.003(13), Late Equipment Fee; 6C-7.003(14), ID card; 6C-7.003(15), Duplicating/Photo Copying Fee; 6C7.003(16), Standardized Tests; 6C-7.003(17), Binding; 6C-7.003(18), Microfilm; 6C-7.003(19), Copyright Fee; 6C-7.003(20), Breakage and Lost Library Materials; 6C-7.003(21), Lost Keys; 6C-7.003(22), Equipment Damage; 6C-7.003(23), Interlibrary Loans/Literature Searches; 6C-7.003(24), Facilities/equipment Use; 6C-7.003(25), Orientation; 6C-7.003(26), Admissions Deposit - UF - Dentistry; 6C-7.003(27), Transcript Fee; 6C-7.003(28), Diploma Replacement; 6C-7.003(29), Fees to Cover Costs - Special Circumstances; 6C-7.003(30), Off-campus Costs; 6C-7.003, Material and Supply Fee; 6C-7.003(34), Returned Check Fee; 6C-7.003(35), Collection Costs for Overdue Accounts; 6C-7.003(36), Service Charge on University Loans; 6C-

7.003(37), Research Center/Child Development; 6C-7.004, Deferred Payment of Fees; 6C-7.008(1)(a), Waiver, etc.; 6C-7.008(4), Intern Supervisors; 6C-7.008(7) and (8), Provisions for Waiver of Fees. **UF** -- Rule 6C1-3.037, Registration and Student Fees; 6C1-3.0371, Fee Refund. **FSU** -- Rule 6C2-5.081, Tuition, Fees, Payment; 6C2-5.087, Special Appeals. **USF** -- Rule 6C4-3.024, Non-resident Tuition Waivers; 6C4-4.010, Cancellation of Registration for Nonpayment of Tuition and Fees & Returned Checks in Payment of Tuition and Fees. **FAU** -- 6C5-4.011, Payment and Refund of Tuition and Registration Fees. **UWF** -- Rule 6C6-4.002, Waiver of Non-Florida Tuition; Rule 6C6-4.003, Payment of Tuition and Registration Fees; Rule 6C6-4.004, Deferred Payment Status. **UCF** -- Rule 6C7-4.019, Fee Policy Payments; 6C7-4.0191, Installment Fee Payment Plan; 6C7-4.020, Fee Assessment and Refund; 6C7-4.0211, Late Registration, Late Payment Fee Waiver; 6C7-4.025, Waiver of Non-Florida Tuition. **FIU** -- Rule 6C8-6.009, Tuition and Fees. **UNF** -- Rule 6C9-8.001, Payment of Tuition and Registration Fees; 6C9-8.003, Fee Refund/Release of Liability; 6C9-8.005, Deferred Payment of Fees; 6C9-8.007, Waiver of Non-Florida Student Tuition. **FGCU** -- Rule 6C10-7.001, Tuition and Fees.

(5) Academic Matters: **FSU** -- 6C2-5.001, Academic Organization; 6C2-6.007, University Marine Lab; 6C2-6.010, Florida Resources and Environmental Analysis Center (FREAC). **USF** -- Rule 6C4-1.005, Undergraduate Catalog and Graduate School Programs Catalog of the University; 6C4-3.005, Grading System and Grade Regulations; 6C4-6.011, Counseling Center for Human Development Services; 6C4-9.010, College of Medicine Bulletin and Brochure; 6C4-9.011, College of Nursing Handbook. **FAU** -- Rule 6C5-2.002, Course Repetition and Grade Forgiveness; 6C5-4.001, Honor Code, Academic Irregularities, and Student's Academic Grievances. **UWF** -- Rule 6C6-3.004, Academic Policies; 6C6-3.008, Academic Probation, Suspension, Reinstatement. **UCF** -- Rule 6C7-5.0042, Student Academic Behaviors. **FIU** -- Rule 6C8-3.010, Academic Discipline;

(6) Personnel: **SUS** -- Rule 6C-6.021, Participation in Programs and Activities Involving Foreign Travel; **UF** -- Rule 6C1-3.0421, Employee Debt Collection. **USF** -- Rule 6C4-4.0095, Employee Debt Collection. **FAU** -- Rule 6C5-5.012, Sexual Harassment; 6C5-6.013, Employee Debt Collection. **FIU** -- Rule 6C8-1.009, Non-Discrimination Policy and Discrimination Complaint Procedures; 6C8-1.010, Sexual Harassment; 6C8-6.007, Collection of Funds Owed to the University by Employees. **UNF** -- Rule 6C9-4.015, Sexual Harassment; 6C9-4.035, Employee Debt Collection.

(7) Finances: **UF** -- Rule 6C1-3.002, University Financial Services; Rule 6C1-3.0021, Third Party Donors; 6C1-3.0022, Check Cashing and Bill Paying; Returned Check Service Charge. **USF** -- Rule 6C4-4.009, Accounts Receivable. **FAU** -- Rule 6C5-6.001, Fiscal Policy; 6C5-6.011, Endowment Trust Fund for Eminent Scholars; 6C5-6.012, Accounts Receivable. **FIU** -- Rule 6C8-6.008, University Endowment Trust Fund for Eminent Scholars.

(8) Property and Facilities: **SUS** -- Rule 6C-9.006, Commercial Solicitation on Campus. **UF** -- 6C1-2.001, Possession and Use of Firearms; 6C-2.0031(3)(c) and (4), Identification Card Program; 6C1-2.005, Use of University Facilities -- Outdoor Areas; 6C1-2.008, Use of University Facilities -- P.K.Yonge Developmental Research School; 6C1-2.012, Use of University Facilities -- Fees for Use and Admissions Charges; 6C1-2.016, Public Functions Policy-- Use of Campus Lands, Camping; 6C1-2.0161, Banner Policy; 6C1-2.019, Alcoholic Beverages; 6C1-2.020, Food Service on Campus; 6C1-3.041, Animals Not Allowed in Buildings; 6C1-6.016, IFAS -- Visitation to or Use of

Certain Facilities. **FSU** -- Rule 6C2-2.005, Custody and Care of University Property; 6C2-2.006, Release from Accountability for University Property; 6C2-2.0061, Procedures for Administration of Surplus Property Program; 6C2-2.007, Use of Campus Facilities; 6C2-2.013, Commercial Solicitations; 6C2-2.014, Identification Cards; 6C2-2.017, Control of Tax-Free Alcohol. **USF** -- Rule 6C4-11.004, Newspaper Racks on Campus; 6C4-4.0022, Canines on Campus; 6C4-6.018, Use of USF Riverfront Park; 6C4-6.020, Use of University Center and Special Events Center Facilities & Equipment; 6C4-6.026, Distribution of Material and Solicitations on Campus. **FAU** -- Rule 6C5-6.005, Use of University Property and Facilities; 6C5-7.008, Trespass and Loitering. **UWF** -- Rule 6C6-2.005, Use of Facilities; 6C-3.013, Pamphlets and Petitions; 6C6-3.014, Freedoms of Speech and Assembly; 6C6-3.021, Alcoholic Beverages. **UCF** -- Rule 6C7-4.007, Property Control; 6C7-4.008, Razing of Buildings; 6C7-4.009, Naming of Buildings; 6C7-4.010, Solicitation on Campus; 6C7-4.029, Use of University Buildings and Grounds; 6C7-4.0291, Charges and Applications for the Use of UCF Buildings and Grounds; 6C7-4.0292, Potentially Hazardous Events; 6C7-4.0293, Free Speech Area; 6C7-4.030, Boating on University Lakes; 6C7-4.031, Assignment and Use of University Vehicles; 6C7-4.032, Utilization of Teaching Gymnasium and Related Facilities; 6C7-4.038, Possession of Firearms on University Property; 6C7-6.009, Smoking in University Buildings. **FIU** -- Rule 6C8-11.005, Alcoholic Beverages; 6C8-5.003, Bulletin Boards; 6C8-5.008, Demonstrations; 6C8-5.009, Use of University Facilities; 6C8-6.004, Commercial Solicitation and Advertising on Campus; 6C8-6.005, Registration of Non-Student Organizations. **UNF** -- Rule 6C9-7.002, Use of Area and Facilities; 6C9-7.003, Responsibilities and Definitions of Sponsoring Organizations; 6C9-7.004, Reservation Conditions and Agreements; 6C9-7.005, Facilities Use Charge Guidelines; 6C9-7.006, Facility Administrators; 6C9-7.007, Events Not Involving Off-Campus Speakers; 6C9-7.008, Events Involving Off-Campus Speakers; 6C9-7.009, Alcoholic Beverages; 6C9-7.101, Soliciting and Fund Raising; 6C9-7.011, Fees and Admission Charges; 6C9-7.013, Use of Facilities for Private Practice or Consulting; 6C9-7.014, Campus Demonstrations; 6C9-7.015, Distribution of Printed Material; 6C9-7.016, Possession and Use of Firearms; 6C9-7.017, Use of University Space for Class or Class Related Activities and Other Events; 6C9-7.019, Use of Computing Laboratory Space; 6C9-7.020, Aquatics Facility Use Policy. **FGCU** -- Rule 6C10-9.001, Use of University Facilities; 6C10-9.002, Use of Alcoholic Beverages on University Premises; 6C10-9.003, Animal Control; 6C10-9.004, Freedom of Speech and Assembly; 6C10-9.005, Possession of Firearms and Weapons on University Property; 6C10-9.006, Solicitation on Campus; 6C10-9.007, Smoking and Consumption of Food in University Buildings.

(9) Other Administrative: SUS -- Rule 6C-4.001, Powers and Duties of University Presidents. **UF** -- Rule 6C1-3.003, Campus Mail Service; 6C1-3.017, Mailing Lists and Labels. **FSU** -- Rule 6C2-2.002, Executive Organization; 6C2-6.006, Florida State University Imprimatur. **USF** -- Rule 6C4-11.003, Dissemination of Public Information. **FAU** -- Rule 6C5-6.002, Approval and Execution of Contracts; 6C5-6.003, Grants, Contracts and Unrestricted Gift Funds. **UWF** -- Rule 6C6-3.028, Religious Observances. **FIU** -- Rule 6C8-5.005, Emergencies; 6C8-5.007, University Library.

(10) Sponsored Research: FIU -- 6C8-6.001, Contracts and Grants.

(11) Faculty Practice Plans: SUS -- Rule 6C-9.017, Faculty Practice Plans

(12) Athletics: SUS -- Rule 6C-6.019, Intercollegiate Athletic Compliance, Initial Eligibility, and Limitation on Athletically-related Financial Aid; 6C-6.020, Classroom Attendance of Student-Athletes; 6C-9.012, Intercollegiate Athletics Operations;

The State University System proposed statutory changes to correct the identified deficiencies. The proposed changes were reviewed by legislative staff and other interested parties. HB 1567 represents the final work product of those efforts.

C. EFFECT OF PROPOSED CHANGES:

HB 1567 provides the State University System (the Board of Regents and state universities) the authority to adopt rules on the following topics: the establishment and waiver of certain fees; the management of systemwide enrollment; the establishment of policies relating to credit and noncredit offerings; the establishment and regulation of faculty practice plans; conditions of employment of university personnel; management of property and financial resources; student government; use and protection of data and technology; compliance with federal laws; patents, copyrights, and trademarks; university admissions; divisions of sponsored research; and student and employee conduct.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 240.209, F.S., Board of Regents; powers and duties.

Authorizes the Board of Regents (BOR) to establish systemwide rules and adopt rules to implement the provisions of s. 240.209, F.S.

Provides specific statutory authority with regard to the establishment of the following fees: application fee; admissions deposit fee; orientation fee; fees for security, access, or identification cards; registration fees for audit and zero hours; service charge for installment payments and university loans; late registration fee; late payment fee; fees for services provided at the university health centers; material and supply fees; housing fees; collection costs for overdue accounts; fee for off-campus courses; fees for transcripts and diploma replacement; transportation access fees; fees relating to duplicating, photocopying, binding, microfilming, copyright services, standardized testing, and child care services; fees and fines relating to the library, facilities and equipment use, traffic and parking.

Establishes specific dollar caps for the following fees: application fee; admissions deposit; orientation fee; fees for security, access, and identification cards; service charge for installment payments; late payment and late registration fees; fees for transcripts and diploma replacements.

Provides specific statutory authority regarding certain fee waivers; systemwide enrollment; admissions; credit and noncredit education offerings; and faculty practice plans.

Section 2. Amends s. 240.227, F.S., University presidents; powers and duties.

Provides specific statutory authority to adopt rules regarding the powers and duties enumerated in s. 240.227, F.S.

Clarifies the rulemaking authority of university presidents regarding conditions of employment of university personnel and the management of property and financial resources of the university.

Provides specific statutory authority regarding student government, use and protection of data and technology, and compliance with federal laws.

Section 3. Amends s. 240.229(6), F.S., Universities; powers; patents, copyrights, and trademarks.

Provides specific statutory authority to each university to adopt rules to administer s. 240.229, F.S.

Section 4. Amends s. 240.233, F.S., Universities; admissions of students.

Provides specific statutory authority to each university president to adopt rules governing the admission of students.

Section 5. Amends s. 240.241, F.S., Divisions of sponsored research at state universities.

Provides specific statutory authority to adopt rules to implement the provisions of s. 240.241, F.S.

Section 6. Amends s. 240.261, F.S., Disciplinary rules.

Expands section to include provisions relating to codes of conduct for students and employees; violations of rules by student organizations; violation of rules governing student academic honesty.

Section 7. Amends s. 240.291, F.S., Delinquent accounts.

Provides specific statutory authority to adopt rules to implement the provisions of s. 240.291, F.S.

Section 8. Establishes an effective date upon becoming a law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

To the extent that fees/fines are raised above the levels currently charged, the revenues available to the respective universities should increase.

2. Expenditures:

To the extent that any fees increased are those included in the calculation of the award amount for a Bright Futures award, the cost to the State to fund those awards may increase.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

To the extent that fees/fines are raised and /or students use the services/programs for which the fees are assessed, students may experience an increase in the cost to obtain a postsecondary education at a state university.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

HB 1567 provides the State University System the authority to adopt rules on the following topics: fees; enrollment; credit and noncredit education offerings; faculty practice plans; personnel; property and financial resources; student government; data and technology; admissions; sponsored research; student and employee conduct.

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C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON Colleges & Universities:

Prepared by:

Staff Director:

Betty H. Tilton, Ph.D.

Betty H. Tilton, Ph.D.