

**By** the Policy and Steering Committee on Ways and Means; the Committee on Higher Education; and Senators Oelrich and Lynn

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1                                   A bill to be entitled  
2       An act relating to postsecondary education; amending  
3       s. 110.181, F.S.; conforming a cross-reference to  
4       changes made by the act; amending ss. 112.19 and  
5       112.191, F.S.; requiring the Board of Governors of the  
6       State University System to adopt regulations rather  
7       than rules to implement certain educational benefits;  
8       amending s. 120.81, F.S.; providing that state  
9       universities are not required to file certain  
10      documents with the Administrative Procedures  
11      Committee; amending s. 282.0041, F.S.; revising  
12      definitions relating to information technology  
13      services to conform to changes made by the act;  
14      amending s. 282.703, F.S.; revising provisions  
15      relating to the participation of state universities in  
16      the SUNCOM Network; amending s. 282.706, F.S.;  
17      revising provisions relating to the use of the SUNCOM  
18      Network by state university libraries; amending s.  
19      287.064, F.S.; conforming a cross-reference to changes  
20      made by the act; amending s. 1000.05, F.S.; requiring  
21      the Board of Governors to adopt regulations rather  
22      than rules relating to discrimination; amending s.  
23      1001.705, F.S.; revising provisions relating to  
24      responsibility for the State University System under  
25      the State Constitution; deleting legislative findings  
26      and intent; providing the constitutional duties of the  
27      Board of Governors; providing the constitutional  
28      duties of the Legislature; deleting a duty relating to  
29      the participation of state universities in the SUNCOM

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30 Network; amending s. 1001.706, F.S.; revising powers  
31 and duties of the Board of Governors; providing that  
32 the Board of Governors has the authority to regulate  
33 the State University System and may adopt a regulation  
34 development procedure for the board and university  
35 boards of trustees to use in implementing their  
36 constitutional duties and responsibilities;  
37 authorizing the Board of Governors or its designee to  
38 adopt regulations; providing requirements for the  
39 regulation development procedure; providing  
40 requirements for judicial review of certain  
41 challenges; revising the Board of Governors' powers  
42 and duties relating to accountability and personnel;  
43 providing legislative intent that the Board of  
44 Governors align the missions of universities with  
45 certain factors; providing requirements for a mission  
46 alignment and strategic plan; affording opportunities  
47 to certain universities; amending s. 1001.72, F.S.;  
48 providing that the board of trustees is the  
49 university's contracting agent; creating s. 1004.015,  
50 F.S.; creating the Higher Education Coordinating  
51 Council; providing for membership; providing guiding  
52 principles for council recommendations to the  
53 Legislature, State Board of Education, and Board of  
54 Governors; amending s. 1004.03, F.S.; revising  
55 provisions relating to review and approval of new  
56 programs at state universities by the Board of  
57 Governors; requiring an annual report of the review of  
58 proposed new programs; eliminating the requirement

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59 that certain programs be approved by the Legislature;  
60 amending s. 1004.07, F.S.; requiring the Board of  
61 Governors to adopt regulations rather than rules  
62 relating to student withdrawal from courses due to  
63 military service; amending s. 1006.54, F.S.; requiring  
64 university boards of trustees to adopt regulations  
65 rather than rules relating to documents distributed to  
66 libraries; amending s. 1006.60, F.S.; revising  
67 provisions relating to state university codes of  
68 conduct to authorize the adoption of regulations  
69 rather than rules; amending s. 1006.65, F.S.;

70 requiring the Board of Governors to adopt regulations  
71 rather than rules relating to safety issues in courses  
72 offered by state universities; amending ss. 1007.264  
73 and 1007.265, F.S.; requiring the Board of Governors  
74 to adopt regulations rather than rules relating to  
75 admission and graduation requirements for students  
76 with disabilities; amending s. 1009.24, F.S.;

77 reorganizing certain provisions of law relating to  
78 state university student fees; authorizing the Board  
79 of Governors to approve flexible tuition policies  
80 requested by a university board of trustees; providing  
81 that certain fees be based on reasonable costs of  
82 services and used for certain purposes; authorizing  
83 the Board of Governors to approve a proposal from a  
84 university board of trustees to establish a new  
85 student fee, increase the cap for an existing fee, or  
86 implement flexible tuition policies; providing  
87 guidelines for review of proposals; requiring an

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88 annual report; prohibiting certain fees from exceeding  
89 a specified amount, being included in certain  
90 scholarship awards, and being used for certain  
91 purposes; requiring a fee committee to make  
92 recommendations relating to a new fee; providing  
93 restrictions on fee increases; requiring the Board of  
94 Governors to adopt regulations; amending s. 1009.26,  
95 F.S.; requiring the Board of Governors to adopt  
96 regulations rather than rules relating to fee waivers;  
97 amending s. 1010.04, F.S.; providing that the Board of  
98 Governors shall adopt regulations rather than rules  
99 for purchases and leases; amending s. 1010.62, F.S.;  
100 defining the term "auxiliary enterprise" for purposes  
101 of revenue bonds and debt; amending s. 1011.43, F.S.;  
102 requiring university boards of trustees to adopt  
103 regulations rather than rules for administration of  
104 certain scholarships and loans; amending s. 1011.90,  
105 F.S.; revising provisions relating to management  
106 information maintained by the Board of Governors;  
107 amending s. 1013.02, F.S.; requiring the Board of  
108 Governors to adopt regulations rather than rules to  
109 implement provisions of law relating to educational  
110 facilities; amending s. 1013.10, F.S.; providing for  
111 university board of trustee regulations for the use of  
112 educational buildings and grounds; amending ss.  
113 1013.12 and 1013.28, F.S.; requiring the Board of  
114 Governors to adopt regulations rather than rules  
115 relating to firesafety inspections and disposal of  
116 real property; amending s. 1013.30, F.S.; requiring

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117 the Board of Governors to adopt regulations rather  
118 than rules relating to university campus master plans;  
119 amending s. 1013.31, F.S.; requiring the Board of  
120 Governors to adopt regulations rather than rules for  
121 determining facility space needs; amending s. 1013.47,  
122 F.S.; requiring the Board of Governors to adopt  
123 regulations rather than rules relating to building  
124 standards; amending s. 1013.74, F.S.; authorizing the  
125 Board of Governors to adopt regulations rather than  
126 rules relating to authorization for fixed capital  
127 outlay projects; repealing s. 1001.74, F.S., relating  
128 to powers and duties of university boards of trustees;  
129 repealing s. 1004.21, F.S., relating to general  
130 provisions for state universities; repealing s.  
131 1004.22(13), F.S., relating to rulemaking by a  
132 university board of trustees with respect to divisions  
133 of sponsored research; repealing s. 1004.38, F.S.,  
134 relating to the master of science program in speech-  
135 language pathology at Florida International  
136 University; repealing s. 1004.381, F.S., relating to  
137 the bachelor of science nursing degree program at the  
138 University of West Florida; repealing s. 1004.3811,  
139 F.S., relating to the master of science degree  
140 programs in nursing and social work at the University  
141 of West Florida; repealing s. 1004.382, F.S., relating  
142 to the master's in social work program at Florida  
143 Atlantic University; repealing s. 1004.383, F.S.,  
144 relating to a chiropractic medicine degree program at  
145 Florida State University; repealing s. 1004.386, F.S.,

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146 relating to a bachelor of science degree program in  
147 long-term care administration at Florida Gulf Coast  
148 University; repealing s. 1004.64, F.S., relating to  
149 the School of Engineering at Florida Gulf Coast  
150 University and specified bachelor's degrees; providing  
151 legislative intent for the repeal of certain sections;  
152 requiring each state university to identify and submit  
153 to the Board of Governors a list of certain rules that  
154 have been superseded by regulations; providing for  
155 submission of such rules and certain rules of the  
156 Board of Governors to the Department of State;  
157 authorizing the Department of State to remove rules  
158 from the Florida Administrative Code; providing an  
159 effective date.

160

161 Be It Enacted by the Legislature of the State of Florida:

162

163 Section 1. Subsection (5) of section 110.181, Florida  
164 Statutes, is amended to read:

165 110.181 Florida State Employees' Charitable Campaign.—

166 (5) PARTICIPATION OF STATE UNIVERSITIES.—Each university  
167 may elect to participate in the Florida State Employees'  
168 Charitable Campaign, upon timely notice to the department. Each  
169 university may also conduct annual charitable fundraising drives  
170 for employees under the authority granted in s. ss. 1001.706 ~~and~~  
171 ~~1001.74~~.

172 Section 2. Subsection (5) of section 112.19, Florida  
173 Statutes, is amended to read:

174 112.19 Law enforcement, correctional, and correctional

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175 probation officers; death benefits.—

176 (5) The State Board of Education ~~or the Board of Governors,~~  
177 ~~as appropriate,~~ shall adopt rules and procedures, and the Board  
178 of Governors shall adopt regulations and procedures, as are  
179 appropriate and necessary to implement the educational benefits  
180 provisions of this section.

181 Section 3. Subsection (5) of section 112.191, Florida  
182 Statutes, is amended to read:

183 112.191 Firefighters; death benefits.—

184 (5) The State Board of Education ~~or the Board of Governors,~~  
185 ~~as appropriate,~~ shall adopt rules and procedures, and the Board  
186 of Governors shall adopt regulations and procedures, as are  
187 appropriate and necessary to implement the educational benefits  
188 provisions of this section.

189 Section 4. Paragraph (e) of subsection (1) of section  
190 120.81, Florida Statutes, is amended to read:

191 120.81 Exceptions and special requirements; general areas.—

192 (1) EDUCATIONAL UNITS.—

193 (e) Educational units, other than ~~the state universities~~  
194 ~~and~~ the Florida School for the Deaf and the Blind, shall not be  
195 required to make filings with the committee of the documents  
196 required to be filed by s. 120.54 or s. 120.55(1)(a)4.

197 Section 5. Subsections (1) and (26) of section 282.0041,  
198 Florida Statutes, are amended to read:

199 282.0041 Definitions.—As used in this chapter, the term:

200 (1) "Agency" has the same meaning as in s. 216.011(1)(qq),   
201 except that for purposes of this chapter, "agency" does not  
202 include university boards of trustees or state universities.

203 (26) "Total cost" means all costs associated with

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204 information technology projects or initiatives, including, but  
205 not limited to, value of hardware, software, service,  
206 maintenance, incremental personnel, and facilities. Total cost  
207 of a loan or gift of information technology resources to an  
208 agency includes the fair market value of the resources; ~~however,~~  
209 ~~the total cost of loans or gifts of information technology to~~  
210 ~~state universities to be used in instruction or research does~~  
211 ~~not include fair market value.~~

212 Section 6. Subsections (1) and (3) of section 282.703,  
213 Florida Statutes, are amended, and subsection (4) is added to  
214 that section, to read:

215 282.703 SUNCOM Network; exemptions from the required use.-

216 (1) There is created within the department the SUNCOM  
217 Network, which shall be developed to serve as the state  
218 communications system for providing local and long-distance  
219 communications services to state agencies, political  
220 subdivisions of the state, municipalities, ~~state universities,~~  
221 and nonprofit corporations pursuant to this part. The SUNCOM  
222 Network shall be developed to transmit all types of  
223 communications signals, including, but not limited to, voice,  
224 data, video, image, and radio. State agencies shall cooperate  
225 and assist in the development and joint use of communications  
226 systems and services.

227 (3) All state agencies ~~and state universities~~ shall use the  
228 SUNCOM Network for agency ~~and state university~~ communications  
229 services as the services become available; however, no agency ~~or~~  
230 ~~university~~ is relieved of responsibility for maintaining  
231 communications services necessary for effective management of  
232 its programs and functions. The department may provide such



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233 communications services to a state university if requested by  
234 the university. If a SUNCOM Network service does not meet the  
235 communications requirements of an agency ~~or university~~, the  
236 agency ~~or university~~ shall notify the department in writing and  
237 detail the requirements for that communications service. If the  
238 department is unable to meet an agency's ~~or university's~~  
239 requirements by enhancing SUNCOM Network service, the department  
240 may grant the agency ~~or university~~ an exemption from the  
241 required use of specified SUNCOM Network services.

242 (4) This section may not be construed to require a state  
243 university to use SUNCOM Network communication services.

244 Section 7. Section 282.706, Florida Statutes, is amended to  
245 read:

246 282.706 Use of SUNCOM Network by libraries.—The department  
247 may provide SUNCOM Network services to any library in the state,  
248 including libraries in public schools, community colleges, state  
249 universities, and nonprofit private postsecondary educational  
250 institutions, and libraries owned and operated by municipalities  
251 and political subdivisions. This section may not be construed to  
252 require a state university library to use SUNCOM Network  
253 services.

254 Section 8. Subsection (1) of section 287.064, Florida  
255 Statutes, is amended to read:

256 287.064 Consolidated financing of deferred-payment  
257 purchases.—

258 (1) The Division of Bond Finance of the State Board of  
259 Administration and the Chief Financial Officer shall plan and  
260 coordinate deferred-payment purchases made by or on behalf of  
261 the state or its agencies or by or on behalf of state

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262 universities or state community colleges participating under  
263 this section pursuant to s. 1001.706(7) ~~s. 1001.74(6)~~ or s.  
264 1001.64(26), respectively. The Division of Bond Finance shall  
265 negotiate and the Chief Financial Officer shall execute  
266 agreements and contracts to establish master equipment financing  
267 agreements for consolidated financing of deferred-payment,  
268 installment sale, or lease purchases with a financial  
269 institution or a consortium of financial institutions. As used  
270 in this act, the term "deferred-payment" includes installment  
271 sale and lease-purchase.

272 (a) The period during which equipment may be acquired under  
273 any one master equipment financing agreement shall be limited to  
274 not more than 3 years.

275 (b) Repayment of the whole or a part of the funds drawn  
276 pursuant to the master equipment financing agreement may  
277 continue beyond the period established pursuant to paragraph  
278 (a).

279 (c) The interest rate component of any master equipment  
280 financing agreement shall be deemed to comply with the interest  
281 rate limitation imposed in s. 287.063 so long as the interest  
282 rate component of every interagency, state university, or  
283 community college agreement entered into under such master  
284 equipment financing agreement complies with the interest rate  
285 limitation imposed in s. 287.063. Such interest rate limitation  
286 does not apply when the payment obligation under the master  
287 equipment financing agreement is rated by a nationally  
288 recognized rating service in any one of the three highest  
289 classifications, which rating services and classifications are  
290 determined pursuant to rules adopted by the Chief Financial

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291 Officer.

292 Section 9. Paragraph (b) of subsection (5) of section  
293 1000.05, Florida Statutes, is amended to read:

294 1000.05 Discrimination against students and employees in  
295 the Florida K-20 public education system prohibited; equality of  
296 access required.—

297 (5)

298 (b) The Board of Governors shall adopt regulations ~~rules~~ to  
299 implement this section as it relates to state universities.

300 Section 10. Section 1001.705, Florida Statutes, is amended  
301 to read:

302 1001.705 Responsibility for the State University System  
303 under s. 7, Art. IX of the State Constitution; ~~legislative~~  
304 ~~finding and intent.~~—

305 ~~(1) LEGISLATIVE FINDINGS.—~~

306 (1) ~~(a)~~ DEFINITIONS.—For purposes of this act, the term:

307 (a) ~~1.~~ "Board of Governors" as it relates to the State  
308 University System and as used in s. 7, Art. IX of the State  
309 Constitution and Title XLVIII and other sections of the Florida  
310 Statutes is the Board of Governors of the State University  
311 System which belongs to and is part of the executive branch of  
312 state government.

313 (b) ~~2.~~ "Institutions of higher learning" as used in the  
314 State Constitution and the Florida Statutes includes publicly  
315 funded state universities.

316 (c) ~~3.~~ "Public officer" as used in the Florida Statutes  
317 includes members of the Board of Governors.

318 (d) ~~4.~~ "State university" or "state universities" as used in  
319 the State Constitution and the Florida Statutes are agencies of

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320 the state which belong to and are part of the executive branch  
321 of state government. This definition of state universities as  
322 state agencies is only for the purposes of the delineation of  
323 constitutional lines of authority. Statutory exemptions for  
324 state universities from statutory provisions relating to state  
325 agencies that are in effect on the effective date of this act  
326 remain in effect and are not repealed by virtue of this  
327 definition of state universities.

328 (2) ~~(b)~~ CONSTITUTIONAL DUTIES OF THE BOARD OF GOVERNORS OF  
329 THE STATE UNIVERSITY SYSTEM.—In accordance with s. 7, Art. IX of  
330 the State Constitution, the Board of Governors of the State  
331 University System has the duty to operate, regulate, control,  
332 and be fully responsible for the management of the whole  
333 publicly funded State University System and the board, or the  
334 board's designee, has responsibility for:

335 (a) ~~1.~~ Defining the distinctive mission of each constituent  
336 university.

337 (b) ~~2.~~ Defining the articulation of each constituent  
338 university in conjunction with the Legislature's authority over  
339 the public schools and community colleges.

340 (c) ~~3.~~ Ensuring the well-planned coordination and operation  
341 of the State University System.

342 (d) ~~4.~~ Avoiding wasteful duplication of facilities or  
343 programs within the State University System.

344 (e) ~~5.~~ Accounting for expenditure of funds appropriated by  
345 the Legislature for the State University System as provided by  
346 law.

347 (f) ~~6.~~ Submitting a budget request for legislative  
348 appropriations for the institutions under the supervision of the

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349 board as provided by law.

350 (g)~~7~~. Adopting strategic plans for the State University  
351 System and each constituent university.

352 (h)~~8~~. Approving, reviewing, and terminating degree programs  
353 of the State University System.

354 (i)~~9~~. Governing admissions to the state universities.

355 (j)~~10~~. Serving as the public employer to all public  
356 employees of state universities for collective bargaining  
357 purposes.

358 (k)~~11~~. Establishing a personnel system for all state  
359 university employees; however, the Department of Management  
360 Services shall retain authority over state university employees  
361 for programs established in ss. 110.123, 110.1232, 110.1234,  
362 110.1238, and 110.161, and in chapters 121, 122, and 238.

363 (l)~~12~~. Complying with, and enforcing for institutions under  
364 the board's jurisdiction, all applicable local, state, and  
365 federal laws.

366 (3)~~(e)~~ CONSTITUTIONAL DUTIES OF THE LEGISLATURE.—In  
367 accordance with s. 3, Art. II of the State Constitution, which  
368 establishes the separation of powers of three branches of  
369 government; s. 1, Art. III of the State Constitution, which  
370 vests the legislative power of the state in the Legislature; s.  
371 8, Art. III of the State Constitution, which provides the  
372 exclusive executive veto power of the Governor and the exclusive  
373 veto override power of the Legislature; s. 19, Art. III of the  
374 State Constitution, which requires the Legislature to enact  
375 state planning and budget processes and requirements for budget  
376 requests by general law; s. 1, Art. VII of the State  
377 Constitution, which requires that the authority to expend state

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378 funds be by general law enacted by the Legislature; and s. 1,  
379 Art. IX of the State Constitution, which requires the  
380 Legislature to make adequate provision by law for the  
381 "establishment, maintenance, and operation of institutions of  
382 higher learning," the Legislature has the following  
383 responsibilities:

384 (a)1. Making provision by law for the establishment,  
385 maintenance, and operation of institutions of higher learning  
386 and other public education programs that the needs of the people  
387 may require.

388 (b)2. Appropriating all state funds through the General  
389 Appropriations Act or other law.

390 (c)3. Establishing tuition and fees.

391 (d)4. Establishing policies relating to merit and need-  
392 based student financial aid.

393 (e)5. Establishing policies relating to expenditure of,  
394 accountability for, and management of funds appropriated by the  
395 Legislature or revenues authorized by the Legislature. This  
396 includes, but is not limited to, policies relating to:  
397 budgeting; deposit of funds; investments; accounting;  
398 purchasing, procurement, and contracting; insurance; audits;  
399 maintenance and construction of facilities; property; bond  
400 financing; leasing; and information reporting.

401 (f)6. Maintaining the actuarial and fiscal soundness of  
402 centrally administered state systems by requiring state  
403 universities to continue to participate in programs such as the  
404 Florida Retirement System, the state group health insurance  
405 programs, ~~the state telecommunications and data network~~  
406 ~~(SUNCOM),~~ and the state casualty insurance program.

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407        (g)7. Establishing and regulating the use of state powers  
408 and protections, including, but not limited to, eminent domain,  
409 certified law enforcement, and sovereign immunity.

410        (h)8. Establishing policies relating to the health, safety,  
411 and welfare of students, employees, and the public while present  
412 on the campuses of institutions of higher learning.

413        ~~(2) LEGISLATIVE INTENT. It is the intent of the Legislature~~  
414 ~~to reenact laws relating to the Board of Governors of the State~~  
415 ~~University System, the university boards of trustees, the State~~  
416 ~~Board of Education, and the postsecondary education system in~~  
417 ~~accordance with the findings of this act.~~

418        Section 11. Section 1001.706, Florida Statutes, is amended  
419 to read:

420        1001.706 Powers and duties of the Board of Governors.—

421        (1) GENERAL PROVISIONS.—

422        ~~(a)~~ For each constituent university, the Board of  
423 Governors, or the board's designee, shall be responsible for  
424 cost-effective policy decisions appropriate to the university's  
425 mission, the implementation and maintenance of high-quality  
426 education programs within law, the measurement of performance,  
427 the reporting of information, and the provision of input  
428 regarding state policy, budgeting, and education standards.

429        (2) REGULATORY AUTHORITY.—

430        (a) Pursuant to s. 7, Art. IX of the State Constitution,  
431 the Board of Governors has the authority to regulate the State  
432 University System and may adopt a regulation development  
433 procedure for the Board of Governors and the university boards  
434 of trustees to use in implementing their constitutional duties  
435 and responsibilities.

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436 (b) The Board of Governors shall be subject to the  
437 provisions of ~~adopt rules pursuant to~~ chapter 120 when acting  
438 pursuant to statutory authority derived from the Legislature,  
439 except that, the Board of Governors may adopt regulations if  
440 expressly authorized or required by law ~~rules pursuant to~~  
441 ~~chapter 120 when exercising the powers, duties, and authority~~  
442 ~~granted by s. 7, Art. IX of the State Constitution.~~ Such  
443 regulations must be adopted pursuant to a development procedure  
444 that complies with paragraph (c). If the Board of Governors  
445 delegates a power or duty to a university board of trustees as  
446 the designee, the authority to adopt rules or regulations is  
447 included in the delegation. If the Board of Governors delegates  
448 a statutory power or duty to a university board of trustees, the  
449 university board of trustees shall be subject to the provisions  
450 of chapter 120 but may adopt regulations to the same extent as  
451 the Board of Governors under this subsection.

452 (c) The development procedure for regulations authorized or  
453 required by law must provide for notice to the public of, and an  
454 opportunity for public comment on, the proposed adoption,  
455 amendment, or repeal of a regulation; a process for a  
456 substantially affected person to challenge a statement of  
457 general applicability that has not been properly adopted as a  
458 regulation; a process for a substantially affected person to  
459 challenge an unlawful regulation; and a process for the adoption  
460 of and challenges to emergency regulations that are necessary to  
461 protect the public interest in the emergency. Judicial review  
462 shall be sought in the appellate district in which the  
463 headquarters of the Board of Governors is located or in which  
464 the main campus of the state university is located, as



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465 applicable. The regulation development procedure shall be  
466 published prominently on the websites of the Board of Governors  
467 and the state universities.

468 (3)~~(2)~~ POWERS AND DUTIES RELATING TO ORGANIZATION AND  
469 OPERATION OF STATE UNIVERSITIES.—

470 (a) The Board of Governors, or the board's designee, shall  
471 develop guidelines and procedures related to data and  
472 technology, including information systems, communications  
473 systems, computer hardware and software, and networks.

474 (b) The Board of Governors shall develop guidelines  
475 relating to divisions of sponsored research, pursuant to the  
476 provisions of s. 1004.22, to serve the function of  
477 administration and promotion of the programs of research.

478 (c) The Board of Governors shall prescribe conditions for  
479 direct-support organizations and university health services  
480 support organizations to be certified and to use university  
481 property and services. Conditions relating to certification must  
482 provide for audit review and oversight by the Board of  
483 Governors.

484 (d) The Board of Governors shall develop guidelines for  
485 supervising faculty practice plans for the academic health  
486 science centers.

487 (e) The Board of Governors shall ensure that students at  
488 state universities have access to general education courses as  
489 provided in the statewide articulation agreement, pursuant to s.  
490 1007.23.

491 (f) The Board of Governors shall approve baccalaureate  
492 degree programs that require more than 120 semester credit hours  
493 of coursework prior to such programs being offered by a state

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494 university. At least half of the required coursework for any  
495 baccalaureate degree must be offered at the lower-division  
496 level, except in program areas approved by the Board of  
497 Governors.

498 (g) The Board of Governors, or the board's designee, shall  
499 adopt a written antihazing policy, appropriate penalties for  
500 violations of such policy, and a program for enforcing such  
501 policy.

502 (h) The Board of Governors, or the board's designee, may  
503 establish a uniform code of conduct and appropriate penalties  
504 for violations of its regulations ~~rules~~ by students and student  
505 organizations, including regulations ~~rules~~ governing student  
506 academic honesty. Such penalties, unless otherwise provided by  
507 law, may include reasonable fines, the withholding of diplomas  
508 or transcripts pending compliance with regulations ~~rules~~ or  
509 payment of fines, and the imposition of probation, suspension,  
510 or dismissal.

511 (4)~~(3)~~ POWERS AND DUTIES RELATING TO FINANCE.—

512 (a) The Board of Governors, or the board's designee, shall  
513 account for expenditures of all state, local, federal, and other  
514 funds. Such accounting systems shall have appropriate audit and  
515 internal controls in place that will enable the constituent  
516 universities to satisfactorily and timely perform all accounting  
517 and reporting functions required by state and federal law and  
518 rules.

519 (b) The Board of Governors shall prepare the legislative  
520 budget requests for the State University System, including a  
521 request for fixed capital outlay, and submit them to the State  
522 Board of Education for inclusion in the K-20 legislative budget

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523 request. The Board of Governors shall provide the state  
524 universities with fiscal policy guidelines, formats, and  
525 instruction for the development of individual university budget  
526 requests.

527 (c) The Board of Governors, or the board's designee, shall  
528 establish tuition and fees pursuant to ss. 1009.24 and 1009.26.

529 (d) The Board of Governors, or the board's designee, is  
530 authorized to secure comprehensive general liability insurance  
531 pursuant to s. 1004.24.

532 (5)-(4) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.-

533 (a) The Legislature intends that the Board of Governors  
534 shall align the missions of each constituent university with the  
535 academic success of its students; the national reputation of its  
536 faculty and its academic and research programs; the quantity of  
537 externally generated research, patents, and licenses; and the  
538 strategic and accountability plans required in paragraphs (b)  
539 and (c). The mission alignment and strategic plan shall consider  
540 peer institutions at the constituent universities. The mission  
541 alignment and strategic plan shall acknowledge that universities  
542 that have a national and international impact have the greatest  
543 capacity to promote the state's economic development through:  
544 new discoveries, patents, licenses, and technologies that  
545 generate state businesses of global importance; research  
546 achievements through external grants and contracts that are  
547 comparable to nationally recognized and ranked universities; the  
548 creation of a resource rich academic environment that attracts  
549 high-technology business and venture capital to the state; and  
550 this generation's finest minds focusing on solving the state's  
551 economic, social, environmental, and legal problems in the areas

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552 of life sciences, water, sustainability, energy, and health  
553 care. A nationally recognized and ranked university that has a  
554 global perspective and impact shall be afforded the opportunity  
555 to enable and protect the university's competitiveness on the  
556 global stage in fair competition with other institutions of  
557 other states in the highest Carnegie Classification.

558 (b)~~(a)~~ The Board of Governors shall develop a strategic  
559 plan specifying goals and objectives for the State University  
560 System and each constituent university.

561 (c)~~(b)~~ The Board of Governors shall develop an  
562 accountability plan for the State University System and each  
563 constituent university.

564 (d)~~(e)~~ The Board of Governors shall maintain an effective  
565 information system to provide accurate, timely, and cost-  
566 effective information about each university. The board shall  
567 continue to collect and maintain, at a minimum, ~~the~~ management  
568 information ~~databases~~ as such information ~~databases~~ existed on  
569 June 30, 2002.

570 (e)~~(d)~~ If the Board of Governors of the State University  
571 System determines that a state university board of trustees is  
572 unwilling or unable to address substantiated allegations made by  
573 any person relating to waste, fraud, or financial mismanagement  
574 within the state university, the Office of the Inspector General  
575 shall investigate the allegations.

576 (6)~~(5)~~ POWERS AND DUTIES RELATING TO PERSONNEL.—

577 (a) The Board of Governors, or the board's designee, shall  
578 establish the personnel program for all employees of a state  
579 university except that the Board of Governors shall confirm the  
580 presidential selection by a university board of trustees as a

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581 means of acknowledging that system cooperation is expected the  
582 president.

583 (b) The Department of Management Services shall retain  
584 authority over state university employees for programs  
585 established in ss. 110.123, 110.1232, 110.1234, 110.1238, and  
586 110.161 and in chapters 121, 122, and 238. Unless specifically  
587 authorized by law, neither the Board of Governors nor a state  
588 university may offer group insurance programs for employees as a  
589 substitute for or as an alternative to the health insurance  
590 programs offered pursuant to chapter 110.

591 (c) Except as otherwise provided by law, university  
592 employees are public employees for purposes of chapter 112 and  
593 any payment for travel and per diem expenses shall not exceed  
594 the level specified in s. 112.061.

595 (d) The Board of Governors, or the board's designee, may  
596 not enter into an employment contract that requires it ~~the board~~  
597 to pay an employee an amount from state funds in excess of 1  
598 year of the employee's annual salary for termination, buyout, or  
599 any other type of contract settlement. This paragraph does not  
600 prohibit the payment of leave and benefits accrued by the  
601 employee in accordance with the board's or designee's leave and  
602 benefits policies before the contract terminates.

603 (7) ~~(6)~~ POWERS AND DUTIES RELATING TO PROPERTY.—

604 (a) The Board of Governors shall develop guidelines for  
605 university boards of trustees relating to the acquisition of  
606 real and personal property and the sale and disposal thereof and  
607 the approval and execution of contracts for the purchase, sale,  
608 lease, license, or acquisition of commodities, goods, equipment,  
609 contractual services, leases of real and personal property, and

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610 construction. The acquisition may include purchase by  
611 installment or lease-purchase. Such contracts may provide for  
612 payment of interest on the unpaid portion of the purchase price.  
613 Title to all real property acquired prior to January 7, 2003,  
614 and to all real property acquired with funds appropriated by the  
615 Legislature shall be vested in the Board of Trustees of the  
616 Internal Improvement Trust Fund and shall be transferred and  
617 conveyed by it. Notwithstanding any other provisions of this  
618 subsection, each board of trustees shall comply with the  
619 provisions of s. 287.055 for the procurement of professional  
620 services as defined therein. Any acquisition pursuant to this  
621 paragraph is subject to the provisions of s. 1010.62.

622 (b) The Board of Governors shall develop guidelines for  
623 university boards of trustees relating to the use, maintenance,  
624 protection, and control of university-owned or university-  
625 controlled buildings and grounds, property and equipment, name,  
626 trademarks and other proprietary marks, and the financial and  
627 other resources of the university. Such authority may include  
628 placing restrictions on activities and on access to facilities,  
629 firearms, food, tobacco, alcoholic beverages, distribution of  
630 printed materials, commercial solicitation, animals, and sound.  
631 The authority provided the board of trustees in this subsection  
632 includes the prioritization of the use of space, property,  
633 equipment, and resources and the imposition of charges for those  
634 items.

635 (c) The Board of Governors, or the board's designee, shall  
636 administer a program for the maintenance and construction of  
637 facilities pursuant to chapter 1013.

638 (d) The Board of Governors, or the board's designee, shall

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639 ensure compliance with the provisions of s. 287.09451 for all  
640 procurement and ss. 255.101 and 255.102 for construction  
641 contracts, and rules adopted pursuant thereto, relating to the  
642 utilization of minority business enterprises, except that  
643 procurements costing less than the amount provided for in  
644 CATEGORY FIVE as provided in s. 287.017 shall not be subject to  
645 s. 287.09451.

646 (e) Notwithstanding the provisions of s. 253.025 but  
647 subject to the provisions of s. 1010.62, the Board of Governors,  
648 or the board's designee, may, with the consent of the Board of  
649 Trustees of the Internal Improvement Trust Fund, sell, convey,  
650 transfer, exchange, trade, or purchase real property and related  
651 improvements necessary and desirable to serve the needs and  
652 purposes of the university.

653 1. The Board of Governors, or the board's designee, may  
654 secure appraisals and surveys. The Board of Governors, or the  
655 board's designee, shall comply with the rules of the Board of  
656 Trustees of the Internal Improvement Trust Fund in securing  
657 appraisals. Whenever the Board of Governors, or the board's  
658 designee, finds it necessary for timely property acquisition, it  
659 may contract, without the need for competitive selection, with  
660 one or more appraisers whose names are contained on the list of  
661 approved appraisers maintained by the Division of State Lands in  
662 the Department of Environmental Protection.

663 2. The Board of Governors, or the board's designee, may  
664 negotiate and enter into an option contract before an appraisal  
665 is obtained. The option contract must state that the final  
666 purchase price may not exceed the maximum value allowed by law.  
667 The consideration for such an option contract may not exceed 10

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668 percent of the estimate obtained by the Board of Governors, or  
669 the board's designee, or 10 percent of the value of the parcel,  
670 whichever is greater, unless otherwise authorized by the Board  
671 of Governors or the board's designee.

672 3. This paragraph is not intended to abrogate in any manner  
673 the authority delegated to the Board of Trustees of the Internal  
674 Improvement Trust Fund or the Division of State Lands to approve  
675 a contract for purchase of state lands or to require policies  
676 and procedures to obtain clear legal title to parcels purchased  
677 for state purposes. Title to property acquired by a university  
678 board of trustees prior to January 7, 2003, and to property  
679 acquired with funds appropriated by the Legislature shall vest  
680 in the Board of Trustees of the Internal Improvement Trust Fund.

681 (f) The Board of Governors, or the board's designee, shall  
682 prepare and adopt a campus master plan pursuant to s. 1013.30.

683 (g) The Board of Governors, or the board's designee, shall  
684 prepare, adopt, and execute a campus development agreement  
685 pursuant to s. 1013.30.

686 (h) Notwithstanding the provisions of s. 216.351, the Board  
687 of Governors, or the board's designee, may authorize the rent or  
688 lease of parking facilities provided that such facilities are  
689 funded through parking fees or parking fines imposed by a  
690 university. The Board of Governors, or the board's designee, may  
691 authorize a university board of trustees to charge fees for  
692 parking at such rented or leased parking facilities.

693 (8)~~(7)~~ COMPLIANCE WITH LAWS, RULES, REGULATIONS, AND  
694 REQUIREMENTS.—The Board of Governors has responsibility for  
695 compliance with state and federal laws, rules, regulations, and  
696 requirements.



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697        (9)~~(8)~~ COOPERATION WITH OTHER BOARDS.—The Board of  
698        Governors shall implement a plan for working on a regular basis  
699        with the State Board of Education, the Commission for  
700        Independent Education, the university boards of trustees,  
701        representatives of the community college boards of trustees,  
702        representatives of the private colleges and universities, and  
703        representatives of the district school boards to achieve a  
704        seamless education system.

705        (10)~~(9)~~ The Board of Governors is prohibited from assessing  
706        any fee on state universities, unless specifically authorized by  
707        law.

708        Section 12. Subsection (3) is added to section 1001.72,  
709        Florida Statutes, to read:

710        1001.72 University boards of trustees; boards to constitute  
711        a corporation.—

712        (3) Each board of trustees constitutes the contracting  
713        agent of the university.

714        Section 13. Section 1004.015, Florida Statutes, is created  
715        to read:

716        1004.015 Higher Education Coordinating Council.—

717        (1) The Higher Education Coordinating Council is created  
718        for the purposes of identifying unmet needs and facilitating  
719        solutions to disputes regarding the creation of new degree  
720        programs and the establishment of new institutes, campuses, or  
721        centers.

722        (2) Members of the council shall include:

723        (a) The Commissioner of Education.

724        (b) The Chancellor of the State University System.

725        (c) The Chancellor of the Florida College System.

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726 (d) The executive director of the Commission for  
727 Independent Education.

728 (e) The president of the Independent Colleges and  
729 Universities of Florida.

730 (f) Two representatives of the business community, one  
731 appointed by the President of the Senate and one appointed by  
732 the Speaker of the House of Representatives, who are committed  
733 to developing and enhancing world class workforce infrastructure  
734 necessary for Florida's citizens to compete and prosper in the  
735 ever-changing economy of the 21st century.

736 (3) The council shall serve as an advisory board to the  
737 Legislature, the State Board of Education, and the Board of  
738 Governors. Recommendations of the council shall be consistent  
739 with the following guiding principles:

740 (a) To achieve within existing resources a seamless  
741 academic educational system that fosters an integrated continuum  
742 of kindergarten through graduate school education for Florida's  
743 students.

744 (b) To promote consistent education policy across all  
745 educational delivery systems, focusing on students.

746 (c) To promote substantially improved articulation across  
747 all educational delivery systems.

748 (d) To promote a system that maximizes educational access  
749 and allows the opportunity for a high-quality education for all  
750 Floridians.

751 (e) To promote a system of coordinated and consistent  
752 transfer of credit and data collection for improved  
753 accountability purposes between the educational delivery  
754 systems.

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755       (4) The Board of Governors shall provide administrative  
756 support for the council.

757       Section 14. Subsections (1) and (3) of section 1004.03,  
758 Florida Statutes, are amended to read:

759       1004.03 Program approval.—

760       (1) The Board of Governors shall establish criteria for the  
761 review and approval of proposed new programs at state  
762 universities to ensure the well-planned development,  
763 coordination, and operation of the State University System and  
764 to avoid wasteful duplication of facilities or programs. The  
765 Board of Governors shall submit an annual report to the  
766 President of the Senate, the Speaker of the House of  
767 Representatives, and the Governor listing the reviews conducted  
768 and the results of each review. ~~that will receive any support~~  
769 ~~from tuition and fees assessed pursuant to s. 1009.24 or from~~  
770 ~~funds appropriated by the Legislature through the General~~  
771 ~~Appropriations Act or other law. These criteria include, but are~~  
772 ~~not limited to, the following:~~

773       ~~(a) New programs may not be approved unless the same~~  
774 ~~objectives cannot be met through use of educational technology.~~

775       ~~(b) Unnecessary duplication of programs offered by public~~  
776 ~~and independent institutions shall be avoided.~~

777       ~~(c) Cooperative programs, particularly within regions,~~  
778 ~~should be encouraged.~~

779       ~~(d) New programs shall be approved only if they are~~  
780 ~~consistent with the strategic plan adopted by the Board of~~  
781 ~~Governors.~~

782       ~~(e) A new graduate-level program or professional-level~~  
783 ~~program may be approved if:~~

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784           1. ~~The university has taken into account the offerings of~~  
785 ~~its counterparts, including institutions in other sectors,~~  
786 ~~particularly at the regional level.~~

787           2. ~~The addition of the program will not alter the emphasis~~  
788 ~~on undergraduate education.~~

789           3. ~~The regional need and demand for the program was~~  
790 ~~addressed and the community needs are obvious.~~

791           ~~(3) New colleges, schools, or functional equivalents of any~~  
792 ~~program that leads to a degree that is offered as a credential~~  
793 ~~for a specific license granted under the Florida Statutes or the~~  
794 ~~State Constitution and that will receive any support from~~  
795 ~~tuition and fees or from funds appropriated by the Legislature~~  
796 ~~through the General Appropriations Act or other law shall not be~~  
797 ~~established without the specific approval of the Legislature.~~

798           Section 15. Subsection (4) of section 1004.07, Florida  
799 Statutes, is amended to read:

800           1004.07 Student withdrawal from courses due to military  
801 service; effect.—

802           (4) Policies of state university boards of trustees shall  
803 be established by regulation ~~rule~~ and pursuant to guidelines of  
804 the Board of Governors.

805           Section 16. Section 1006.54, Florida Statutes, is amended  
806 to read:

807           1006.54 Universities; public documents distributed to  
808 libraries.—The general library of each state university may  
809 receive copies of reports of state officials, departments, and  
810 institutions and all other state documents published by the  
811 state. Each officer of the state empowered by law to distribute  
812 such public documents may transmit without charge, except for

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813 payment of shipping costs, the number of copies of each public  
814 document desired upon requisition from the librarian. It is the  
815 duty of the library to keep public documents in a convenient  
816 form accessible to the public. The library, under regulations  
817 ~~rules~~ formulated by the university board of trustees, is  
818 authorized to exchange documents for those of other states,  
819 territories, and countries.

820 Section 17. Section 1006.60, Florida Statutes, is amended  
821 to read:

822 1006.60 Codes of conduct; disciplinary measures; ~~rulemaking~~  
823 authority to adopt rules or regulations.—

824 (1) Each community college ~~and state university~~ may adopt,  
825 by rule, and each state university may adopt, by regulation,  
826 codes of conduct and appropriate penalties for violations of  
827 rules or regulations by students, to be administered by the  
828 institution. Such penalties, unless otherwise provided by law,  
829 may include: reprimand; restitution; fines; withholding of  
830 diplomas or transcripts pending compliance with rules or  
831 regulations, completion of any student judicial process or  
832 sanction, or payment of fines; restrictions on the use of or  
833 removal from campus facilities; community service; educational  
834 requirements; and the imposition of probation, suspension,  
835 dismissal, or expulsion.

836 (2) Each community college ~~and state university~~ may adopt,  
837 by rule, and each state university may adopt, by regulation, a  
838 code of conduct and appropriate penalties for violations of  
839 rules or regulations by student organizations, to be  
840 administered by the institution. Such penalties, unless  
841 otherwise provided by law, may include: reprimand; restitution;

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842 suspension, cancellation, or revocation of the registration or  
843 official recognition of a student organization; and restrictions  
844 on the use of, or removal from, campus facilities.

845 (3) Sanctions authorized by such codes of conduct may be  
846 imposed only for acts or omissions in violation of rules or  
847 regulations adopted by the institution, including rules or  
848 regulations adopted under this section, rules of the State Board  
849 of Education, rules or regulations of ~~or~~ the Board of Governors  
850 regarding the State University System, county and municipal  
851 ordinances, and the laws of this state, the United States, or  
852 any other state.

853 (4) Each community college ~~and state university~~ may  
854 establish and adopt, by rule, and each state university may  
855 establish and adopt, by regulation, codes of appropriate  
856 penalties for violations of rules or regulations governing  
857 student academic honesty. Such penalties, unless otherwise  
858 provided by law, may include: reprimand; reduction of grade;  
859 denial of academic credit; invalidation of university credit or  
860 of the degree based upon such credit; probation; suspension;  
861 dismissal; or expulsion. In addition to any other penalties that  
862 may be imposed, an individual may be denied admission or further  
863 registration, and the institution may invalidate academic credit  
864 for work done by a student and may invalidate or revoke the  
865 degree based upon such credit if it is determined that the  
866 student has made false, fraudulent, or incomplete statements in  
867 the application, residence affidavit, or accompanying documents  
868 or statements in connection with, or supplemental to, the  
869 application for admission to or graduation from the institution.

870 (5) Each community college ~~and state university~~ shall adopt

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871 rules and each state university shall adopt regulations for the  
872 lawful discipline of any student who intentionally acts to  
873 impair, interfere with, or obstruct the orderly conduct,  
874 processes, and functions of the institution. Said rules or  
875 regulations may apply to acts conducted on or off campus when  
876 relevant to such orderly conduct, processes, and functions.

877 Section 18. Subsection (2) of section 1006.65, Florida  
878 Statutes, is amended to read:

879 1006.65 Safety issues in courses offered by public  
880 postsecondary educational institutions.—

881 (2) The Board of Governors shall adopt regulations ~~rules~~ to  
882 ensure that policies and procedures are in place to protect the  
883 health and safety of students, instructional personnel, and  
884 visitors who participate in courses offered by a state  
885 university.

886 Section 19. Subsection (3) of section 1007.264, Florida  
887 Statutes, is amended to read:

888 1007.264 Persons with disabilities; admission to  
889 postsecondary educational institutions; substitute requirements;  
890 rules and regulations.—

891 (3) The Board of Governors, in consultation with the State  
892 Board of Education, shall adopt regulations ~~rules~~ to implement  
893 this section for state universities and shall develop substitute  
894 admission requirements where appropriate.

895 Section 20. Subsection (3) of section 1007.265, Florida  
896 Statutes, is amended to read:

897 1007.265 Persons with disabilities; graduation, study  
898 program admission, and upper-division entry; substitute  
899 requirements; rules and regulations.—

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900 (3) The Board of Governors, in consultation with the State  
901 Board of Education, shall adopt regulations ~~rules~~ to implement  
902 this section for state universities and shall develop substitute  
903 requirements where appropriate.

904 Section 21. Section 1009.24, Florida Statutes, is amended  
905 to read:

906 1009.24 State university student fees.—

907 (1) This section applies to students enrolled in college  
908 credit programs at state universities.

909 (2) All students shall be charged fees except students who  
910 are exempt from fees or students whose fees are waived.

911 (3) All moneys from tuition and fees shall be deposited  
912 pursuant to s. 1011.42.

913 (4) (a) Effective January 1, 2008, the resident  
914 undergraduate tuition for lower-level and upper-level coursework  
915 shall be \$77.39 per credit hour.

916 (b) Beginning with the 2008-2009 fiscal year and each year  
917 thereafter, the resident undergraduate tuition per credit hour  
918 shall increase at the beginning of each fall semester at a rate  
919 equal to inflation, unless otherwise provided in the General  
920 Appropriations Act. The Office of Economic and Demographic  
921 Research shall report the rate of inflation to the President of  
922 the Senate, the Speaker of the House of Representatives, the  
923 Governor, and the Board of Governors each year prior to March 1.  
924 For purposes of this paragraph, the rate of inflation shall be  
925 defined as the rate of the 12-month percentage change in the  
926 Consumer Price Index for All Urban Consumers, U.S. City Average,  
927 All Items, or successor reports as reported by the United States  
928 Department of Labor, Bureau of Labor Statistics, or its



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929 successor for December of the previous year. In the event the  
930 percentage change is negative, the resident undergraduate  
931 tuition shall remain at the same level as the prior fiscal year.

932 (c) The Board of Governors, or the board's designee, may  
933 establish tuition for graduate and professional programs, and  
934 out-of-state fees for all programs. Except as otherwise provided  
935 in this section, the sum of tuition and out-of-state fees  
936 assessed to nonresident students must be sufficient to offset  
937 the full instructional cost of serving such students. However,  
938 adjustments to out-of-state fees or tuition for graduate  
939 programs and professional programs may not exceed 15 percent in  
940 any year.

941 (d) The Board of Governors may consider and approve  
942 flexible tuition policies as requested by a university board of  
943 trustees in accordance with the provisions of subsection (15)  
944 only to the extent such policies are in alignment with the  
945 mission of the university and do not increase the state's fiscal  
946 liability or obligations, including, but not limited to, any  
947 fiscal liability or obligation for programs authorized under ss.  
948 1009.53-1009.538 and ss. 1009.97-1009.984.

949 (e)~~(d)~~ The sum of the activity and service, health, and  
950 athletic fees a student is required to pay to register for a  
951 course shall not exceed 40 percent of the tuition established in  
952 law or in the General Appropriations Act. No university shall be  
953 required to lower any fee in effect on the effective date of  
954 this act in order to comply with this subsection. Within the 40  
955 percent cap, universities may not increase the aggregate sum of  
956 activity and service, health, and athletic fees more than 5  
957 percent per year unless specifically authorized in law or in the

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958 General Appropriations Act. A university may increase its  
959 athletic fee to defray the costs associated with changing  
960 National Collegiate Athletic Association divisions. Any such  
961 increase in the athletic fee may exceed both the 40 percent cap  
962 and the 5 percent cap imposed by this subsection. Any such  
963 increase must be approved by the athletic fee committee in the  
964 process outlined in subsection (12) and cannot exceed \$2 per  
965 credit hour. Notwithstanding the provisions of ss. 1009.534,  
966 1009.535, and 1009.536, that portion of any increase in an  
967 athletic fee pursuant to this subsection that causes the sum of  
968 the activity and service, health, and athletic fees to exceed  
969 the 40 percent cap or the annual increase in such fees to exceed  
970 the 5 percent cap shall not be included in calculating the  
971 amount a student receives for a Florida Academic Scholars award,  
972 a Florida Medallion Scholars award, or a Florida Gold Seal  
973 Vocational Scholars award.

974 (f)~~(e)~~ This subsection does not prohibit a university from  
975 increasing or assessing optional fees related to specific  
976 activities if payment of such fees is not required as a part of  
977 registration for courses.

978 (5) A university may implement a differential out-of-state  
979 fee in accordance with regulations developed by the Board of  
980 Governors for the following:

981 (a) A student from another state that borders the service  
982 area of the university.

983 (b) A graduate student who has been determined to be a  
984 nonresident for tuition purposes pursuant to s. 1009.21 and has  
985 a .25 full-time equivalent appointment or greater as a graduate  
986 assistant, graduate research assistant, graduate teaching

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987 assistant, graduate research associate, or graduate teaching  
988 associate.

989 (c) A graduate student who has been determined to be a  
990 nonresident for tuition purposes pursuant to s. 1009.21 and is  
991 receiving a full fellowship.

992 (6) Students who are enrolled in Programs in Medical  
993 Sciences are considered graduate students for the purpose of  
994 enrollment and student fees.

995 (7) A university board of trustees is authorized to collect  
996 for financial aid purposes an amount not to exceed 5 percent of  
997 the tuition and out-of-state fee. The revenues from fees are to  
998 remain at each campus and replace existing financial aid fees.  
999 Such funds shall be disbursed to students as quickly as  
1000 possible. A minimum of 75 percent of funds from the student  
1001 financial aid fee shall be used to provide financial aid based  
1002 on absolute need. The Board of Governors shall develop criteria  
1003 for making financial aid awards. Each university shall report  
1004 annually to the Board of Governors and the Department of  
1005 Education on the revenue collected pursuant to this subsection,  
1006 the amount carried forward, the criteria used to make awards,  
1007 the amount and number of awards for each criterion, and a  
1008 delineation of the distribution of such awards. The report shall  
1009 include an assessment by category of the financial need of every  
1010 student who receives an award, regardless of the purpose for  
1011 which the award is received. Awards which are based on financial  
1012 need shall be distributed in accordance with a nationally  
1013 recognized system of need analysis approved by the Board of  
1014 Governors. An award for academic merit shall require a minimum  
1015 overall grade point average of 3.0 on a 4.0 scale or the

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1016 equivalent for both initial receipt of the award and renewal of  
1017 the award.

1018 (8) The Capital Improvement Trust Fund fee is established  
1019 as \$2.44 per credit hour per semester. The building fee is  
1020 established as \$2.32 per credit hour per semester.

1021 (9) Each university board of trustees is authorized to  
1022 establish separate activity and service, health, and athletic  
1023 fees. When duly established, the fees shall be collected as  
1024 component parts of tuition and fees and shall be retained by the  
1025 university and paid into the separate activity and service,  
1026 health, and athletic funds. Notwithstanding any other provision  
1027 of law to the contrary, a university may transfer revenues  
1028 derived from the fees authorized pursuant to this subsection to  
1029 a university direct-support organization of the university to be  
1030 used only for the purpose of paying and securing debt on  
1031 projects approved pursuant to s. 1010.62 and pursuant to a  
1032 written agreement approved by the Board of Governors. The amount  
1033 transferred may not exceed the amount authorized for annual debt  
1034 service pursuant to s. 1010.62.

1035 (10) (a) Each university board of trustees shall establish a  
1036 student activity and service fee on the main campus of the  
1037 university. The university board may also establish a student  
1038 activity and service fee on any branch campus or center. Any  
1039 subsequent increase in the activity and service fee must be  
1040 recommended by an activity and service fee committee, at least  
1041 one-half of whom are students appointed by the student body  
1042 president. The remainder of the committee shall be appointed by  
1043 the university president. A chairperson, appointed jointly by  
1044 the university president and the student body president, shall

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1045 vote only in the case of a tie. The recommendations of the  
1046 committee shall take effect only after approval by the  
1047 university president, after consultation with the student body  
1048 president, with final approval by the university board of  
1049 trustees. An increase in the activity and service fee may occur  
1050 only once each fiscal year and must be implemented beginning  
1051 with the fall term. The Board of Governors is responsible for  
1052 adopting the regulations ~~rules~~ and timetables necessary to  
1053 implement this fee.

1054 (b) The student activity and service fees shall be expended  
1055 for lawful purposes to benefit the student body in general. This  
1056 shall include, but shall not be limited to, student publications  
1057 and grants to duly recognized student organizations, the  
1058 membership of which is open to all students at the university  
1059 without regard to race, sex, or religion. The fund may not  
1060 benefit activities for which an admission fee is charged to  
1061 students, except for student-government-association-sponsored  
1062 concerts. The allocation and expenditure of the fund shall be  
1063 determined by the student government association of the  
1064 university, except that the president of the university may veto  
1065 any line item or portion thereof within the budget when  
1066 submitted by the student government association legislative  
1067 body. The university president shall have 15 school days from  
1068 the date of presentation of the budget to act on the allocation  
1069 and expenditure recommendations, which shall be deemed approved  
1070 if no action is taken within the 15 school days. If any line  
1071 item or portion thereof within the budget is vetoed, the student  
1072 government association legislative body shall within 15 school  
1073 days make new budget recommendations for expenditure of the

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1074 vetoed portion of the fund. If the university president vetoes  
1075 any line item or portion thereof within the new budget  
1076 revisions, the university president may reallocate by line item  
1077 that vetoed portion to bond obligations guaranteed by activity  
1078 and service fees. Unexpended funds and undisbursed funds  
1079 remaining at the end of a fiscal year shall be carried over and  
1080 remain in the student activity and service fund and be available  
1081 for allocation and expenditure during the next fiscal year.

1082 (11) Each university board of trustees shall establish a  
1083 student health fee on the main campus of the university. The  
1084 university board of trustees may also establish a student health  
1085 fee on any branch campus or center. Any subsequent increase in  
1086 the health fee must be recommended by a health committee, at  
1087 least one-half of whom are students appointed by the student  
1088 body president. The remainder of the committee shall be  
1089 appointed by the university president. A chairperson, appointed  
1090 jointly by the university president and the student body  
1091 president, shall vote only in the case of a tie. The  
1092 recommendations of the committee shall take effect only after  
1093 approval by the university president, after consultation with  
1094 the student body president, with final approval by the  
1095 university board of trustees. An increase in the health fee may  
1096 occur only once each fiscal year and must be implemented  
1097 beginning with the fall term. The Board of Governors is  
1098 responsible for adopting the regulations ~~rules~~ and timetables  
1099 necessary to implement this fee.

1100 (12) Each university board of trustees shall establish a  
1101 separate athletic fee on the main campus of the university. The  
1102 university board may also establish a separate athletic fee on

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1103 any branch campus or center. Any subsequent increase in the  
1104 athletic fee must be recommended by an athletic fee committee,  
1105 at least one-half of whom are students appointed by the student  
1106 body president. The remainder of the committee shall be  
1107 appointed by the university president. A chairperson, appointed  
1108 jointly by the university president and the student body  
1109 president, shall vote only in the case of a tie. The  
1110 recommendations of the committee shall take effect only after  
1111 approval by the university president, after consultation with  
1112 the student body president, with final approval by the  
1113 university board of trustees. An increase in the athletic fee  
1114 may occur only once each fiscal year and must be implemented  
1115 beginning with the fall term. The Board of Governors is  
1116 responsible for adopting the regulations ~~rules~~ and timetables  
1117 necessary to implement this fee.

1118 (13) Each university board of trustees may establish a  
1119 technology fee of up to 5 percent of the tuition per credit  
1120 hour. The revenue from this fee shall be used to enhance  
1121 instructional technology resources for students and faculty. The  
1122 technology fee may not be included in any award under the  
1123 Florida Bright Futures Scholarship Program established pursuant  
1124 to ss. 1009.53-1009.538.

1125 (14) ~~(13)~~ Except as otherwise provided in subsection (15),  
1126 each university board of trustees is authorized to establish the  
1127 following fees:

1128 (a) A nonrefundable application fee in an amount not to  
1129 exceed \$30.

1130 (b) An orientation fee in an amount not to exceed \$35.

1131 (c) A fee for security, access, or identification cards.

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1132 The annual fee for such a card may not exceed \$10 per card. The  
1133 maximum amount charged for a replacement card may not exceed  
1134 \$15.

1135 (d) Registration fees for audit and zero-hours  
1136 registration; a service charge, which may not exceed \$15, for  
1137 the payment of tuition and fees in installments; and a late-  
1138 registration fee in an amount not less than \$50 nor more than  
1139 \$100 to be imposed on students who fail to initiate registration  
1140 during the regular registration period.

1141 (e) A late-payment fee in an amount not less than \$50 nor  
1142 more than \$100 to be imposed on students who fail to pay or fail  
1143 to make appropriate arrangements to pay (by means of installment  
1144 payment, deferment, or third-party billing) tuition by the  
1145 deadline set by each university. Each university may adopt  
1146 specific procedures or policies for waiving the late-payment fee  
1147 for minor underpayments.

1148 (f) ~~(f)~~ Fees for transcripts and diploma replacement, not to  
1149 exceed \$10 per item.

1150 (g) A nonrefundable admissions deposit for undergraduate,  
1151 graduate, and professional degree programs in an amount not to  
1152 exceed \$200. The admissions deposit shall be imposed at the time  
1153 of an applicant's acceptance to the university and shall be  
1154 applied toward tuition upon enrollment. If the applicant does  
1155 not enroll in the university, the admissions deposit shall be  
1156 deposited in an auxiliary account of the university and used to  
1157 expand financial assistance, scholarships, and student academic  
1158 and career counseling services at the university. The Board of  
1159 Governors shall adopt a policy that provides for the waiver of  
1160 such admissions deposit on the basis of financial hardship.



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1161       (h)~~(f)~~ A fee for miscellaneous health-related charges for  
1162 services provided at cost by the university health center which  
1163 are not covered by the health fee set under subsection (11).

1164       (i)~~(g)~~ Materials and supplies fees to offset the cost of  
1165 materials or supplies that are consumed in the course of the  
1166 student's instructional activities, excluding the cost of  
1167 equipment replacement, repairs, and maintenance.

1168       (j)~~(h)~~ Housing rental rates and miscellaneous housing  
1169 charges for services provided by the university at the request  
1170 of the student.

1171       (k)~~(i)~~ A charge representing the reasonable cost of efforts  
1172 to collect payment of overdue accounts.

1173       (l)~~(j)~~ A service charge on university loans in lieu of  
1174 interest and administrative handling charges.

1175       (m)~~(k)~~ A fee for off-campus course offerings when the  
1176 location results in specific, identifiable increased costs to  
1177 the university.

1178       (n)~~(l)~~ Library fees and fines, including charges for  
1179 damaged and lost library materials, overdue reserve library  
1180 books, interlibrary loans, and literature searches.

1181       (o)~~(m)~~ Fees relating to duplicating, photocopying, binding,  
1182 and microfilming; copyright services; and standardized testing.  
1183 These fees may be charged only to those who receive the  
1184 services.

1185       (p)~~(n)~~ Fees and fines relating to the use, late return, and  
1186 loss and damage of facilities and equipment.

1187       (q)~~(o)~~ A returned-check fee as authorized by s. 832.07(1)  
1188 for unpaid checks returned to the university.

1189       (r)~~(p)~~ Traffic and parking fines, charges for parking

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1190 decals, and transportation access fees.

1191 ~~(s)-(g)~~ An Educational Research Center for Child Development  
1192 fee for child care and services offered by the center.

1193 ~~(s) A technology fee of up to 5 percent of the tuition per~~  
1194 ~~credit hour, beginning with the fall term of the 2009-2010~~  
1195 ~~academic year. The revenue from this fee shall be used to~~  
1196 ~~enhance instructional technology resources for students and~~  
1197 ~~faculty. The technology fee shall not be included in any award~~  
1198 ~~under the Florida Bright Futures Scholarship Program.~~

1199  
1200 With the exception of housing rental rates and except as  
1201 otherwise provided, fees assessed pursuant to paragraphs (h)-(s)  
1202 shall be based on reasonable costs of services. The Board of  
1203 Governors shall adopt regulations and timetables necessary to  
1204 implement the fees and fines authorized under this subsection.  
1205 The fees assessed under this subsection may be used for debt  
1206 only as authorized under s. 1010.62.

1207 ~~(14) Each university board of trustees is authorized to~~  
1208 ~~establish a nonrefundable admissions deposit for undergraduate,~~  
1209 ~~graduate, and professional degree programs in an amount not to~~  
1210 ~~exceed \$200. The admissions deposit shall be imposed at the time~~  
1211 ~~of an applicant's acceptance to the university and shall be~~  
1212 ~~applied toward tuition upon enrollment. In the event the~~  
1213 ~~applicant does not enroll in the university, the admissions~~  
1214 ~~deposit shall be deposited in an auxiliary account of the~~  
1215 ~~university and used to expand financial assistance,~~  
1216 ~~scholarships, and student academic and career counseling~~  
1217 ~~services at the university. A university board of trustees that~~  
1218 ~~establishes an admissions deposit pursuant to this subsection~~

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1219 ~~must also adopt policies that provide for the waiver of such~~  
1220 ~~deposit on the basis of financial hardship.~~

1221 (15) (a) The Board of Governors may approve:

1222 1. A proposal from a university board of trustees to  
1223 establish a new student fee that is not specifically authorized  
1224 by this section.

1225 2. A proposal from a university board of trustees to  
1226 increase the current cap for an existing fee authorized pursuant  
1227 to paragraphs (14) (a) - (g).

1228 3. A proposal from a university board of trustees to  
1229 implement flexible tuition policies, such as undergraduate or  
1230 graduate block tuition, block tuition differential, or market  
1231 tuition rates for graduate-level online courses or graduate-  
1232 level courses offered through a university's continuing  
1233 education program. A block tuition policy for resident  
1234 undergraduate students or undergraduate-level courses shall be  
1235 based on the per-credit-hour undergraduate tuition established  
1236 under subsection (4). A block tuition policy for nonresident  
1237 undergraduate students shall be based on the per-credit-hour  
1238 undergraduate tuition and out-of-state fee established under  
1239 subsection (4). Flexible tuition policies, including block  
1240 tuition, may not increase the state's fiscal liability or  
1241 obligation.

1242 (b) A proposal developed pursuant to paragraph (a) shall be  
1243 submitted in accordance with guidelines established by the Board  
1244 of Governors. Approval by the Board of Governors of such  
1245 proposal must be made in accordance with the provisions of this  
1246 subsection.

1247 (c) In reviewing a proposal to establish a new fee under

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1248 subparagraph (a)1., the Board of Governors shall consider:

1249 1. The purpose to be served or accomplished by the new fee.

1250 2. Whether there is a demonstrable student-based need for  
1251 the new fee that is not currently being met through existing  
1252 university services, operations, or another fee.

1253 3. Whether the financial impact on students is warranted in  
1254 light of other charges assessed to students for tuition and  
1255 associated fees.

1256 4. Whether any restrictions, limitations, or conditions  
1257 should be placed on the use of the fee.

1258 5. Whether there are outcome measures to indicate if the  
1259 purpose for which the fee was established is accomplished.

1260 (d) In reviewing a proposal to increase or exceed the  
1261 current cap for an existing fee under subparagraph (a)2., the  
1262 Board of Governors shall consider:

1263 1. The services or operations currently being funded by the  
1264 fee.

1265 2. Whether those services or operations can be performed  
1266 more efficiently to alleviate the need for any increase.

1267 3. The additional or enhanced services or operations to be  
1268 funded by the increase.

1269 4. Whether any alternative resources are available to meet  
1270 the need.

1271 5. Whether the financial impact on students is warranted in  
1272 light of other charges assessed to students for tuition and  
1273 associated fees.

1274 (e) In reviewing a proposal to implement a flexible tuition  
1275 policy under subparagraph (a)3., the Board of Governors shall  
1276 consider:

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1277 1. Whether the proposed tuition flexibility policy is  
1278 aligned with the mission of the university.

1279 2. Whether the proposed tuition flexibility policy  
1280 increases the state's fiscal liabilities or obligations and, if  
1281 so, the proposal shall be denied.

1282 3. Whether any restrictions, limitations, or conditions  
1283 should be placed on the policy.

1284 4. How the proposed tuition flexibility policy will be  
1285 implemented to honor the advance payment contracts of students  
1286 who are beneficiaries of prepaid tuition contracts under s.  
1287 1009.98.

1288 (f) The Board of Governors shall submit an annual report to  
1289 the President of the Senate, the Speaker of the House of  
1290 Representatives, and the Governor summarizing the proposals  
1291 received by the board during the preceding year and actions  
1292 taken by the board in response to such proposals. The Board of  
1293 Governors shall also include in the annual report the following  
1294 information for each new fee approved pursuant to the provisions  
1295 of this subsection:

1296 1. The amount of the fee.

1297 2. The total revenues generated by the fee.

1298 3. Detailed expenditures of the revenues generated by the  
1299 fee.

1300 (g) The aggregate sum of any fees established pursuant to  
1301 subparagraph (a)1. which a student is required to pay to  
1302 register for a course shall not exceed 10 percent of tuition.

1303 (h) Any fee established pursuant to subparagraph (a)1.  
1304 shall not be included in any award under the Florida Bright  
1305 Futures Scholarship Program established pursuant to ss. 1009.53-

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1306 1009.538.

1307 (i) The revenues generated by a fee established pursuant to  
1308 subparagraph (a)1. may not be transferred to an auxiliary  
1309 enterprise or a direct-support organization and may not be used  
1310 for the purpose of paying or securing debt.

1311 (j) If the Board of Governors approves a university  
1312 proposal to establish a fee pursuant to subparagraph (a)1., a  
1313 fee committee shall be established at the university to make  
1314 recommendations to the university president and the university  
1315 board of trustees regarding how the revenue from the fee is to  
1316 be spent and any subsequent changes to the fee. At least one-  
1317 half of the committee must be students appointed by the student  
1318 body president. The remainder of the committee shall be  
1319 appointed by the university president. A chair, appointed  
1320 jointly by the university president and the student body  
1321 president, shall vote only in the case of a tie.

1322 (k) An increase to an existing fee or a fee established  
1323 pursuant to subparagraph (a)1. may occur no more than once each  
1324 fiscal year and must be implemented beginning with the fall term  
1325 ~~Each university may assess a service charge for the payment of~~  
1326 ~~tuition and fees in installments. Such service charge must be~~  
1327 ~~approved by the university board of trustees.~~

1328 (16) Each university board of trustees may establish a  
1329 tuition differential for undergraduate courses upon receipt of  
1330 approval from the Board of Governors. The tuition differential  
1331 shall promote improvements in the quality of undergraduate  
1332 education and shall provide financial aid to undergraduate  
1333 students who exhibit financial need.

1334 (a) Seventy percent of the revenues from the tuition

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1335 differential shall be expended for purposes of undergraduate  
1336 education. Such expenditures may include, but are not limited  
1337 to, increasing course offerings, improving graduation rates,  
1338 increasing the percentage of undergraduate students who are  
1339 taught by faculty, decreasing student-faculty ratios, providing  
1340 salary increases for faculty who have a history of excellent  
1341 teaching in undergraduate courses, improving the efficiency of  
1342 the delivery of undergraduate education through academic  
1343 advisement and counseling, and reducing the percentage of  
1344 students who graduate with excess hours. This expenditure for  
1345 undergraduate education may not be used to pay the salaries of  
1346 graduate teaching assistants. The remaining 30 percent of the  
1347 revenues from the tuition differential, or the equivalent amount  
1348 of revenue from private sources, shall be expended to provide  
1349 financial aid to undergraduate students who exhibit financial  
1350 need to meet the cost of university attendance. This expenditure  
1351 for need-based financial aid shall not supplant the amount of  
1352 need-based aid provided to undergraduate students in the  
1353 preceding fiscal year from financial aid fee revenues, the  
1354 direct appropriation for financial assistance provided to state  
1355 universities in the General Appropriations Act, or from private  
1356 sources.

1357 (b) Each tuition differential is subject to the following  
1358 conditions:

1359 1. The tuition differential may be assessed on one or more  
1360 undergraduate courses or on all undergraduate courses at a state  
1361 university.

1362 2. The tuition differential may vary by course or courses,  
1363 campus or center location, and by institution. Each university

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1364 board of trustees shall strive to maintain and increase  
1365 enrollment in degree programs related to math, science, high  
1366 technology, and other state or regional high-need fields when  
1367 establishing tuition differentials by course.

1368 3. For each state university that has total research and  
1369 development expenditures for all fields of at least \$100 million  
1370 per year as reported annually to the National Science  
1371 Foundation, the aggregate sum of tuition and the tuition  
1372 differential may not be increased by more than 15 percent of the  
1373 total charged for the aggregate sum of these fees in the  
1374 preceding fiscal year. For each state university that has total  
1375 research and development expenditures for all fields of less  
1376 than \$100 million per year as reported annually to the National  
1377 Science Foundation, the aggregate sum of tuition and the tuition  
1378 differential may not be increased by more than 15 percent of the  
1379 total charged for the aggregate sum of these fees in the  
1380 preceding fiscal year.

1381 4. The aggregate sum of undergraduate tuition and fees per  
1382 credit hour, including the tuition differential, may not exceed  
1383 the national average of undergraduate tuition and fees at 4-year  
1384 degree-granting public postsecondary educational institutions.

1385 5. The tuition differential shall not be included in any  
1386 award under the Florida Bright Futures Scholarship Program  
1387 established pursuant to ~~may not be calculated as a part of the~~  
1388 ~~scholarship programs established in~~ ss. 1009.53-1009.538.

1389 6. Beneficiaries having prepaid tuition contracts pursuant  
1390 to s. 1009.98(2)(b) which were in effect on July 1, 2007, and  
1391 which remain in effect, are exempt from the payment of the  
1392 tuition differential.



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1393           7. The tuition differential may not be charged to any  
1394 student who was in attendance at the university before July 1,  
1395 2007, and who maintains continuous enrollment.

1396           8. The tuition differential may be waived by the university  
1397 for students who meet the eligibility requirements for the  
1398 Florida public student assistance grant established in s.  
1399 1009.50.

1400           9. Subject to approval by the Board of Governors, the  
1401 tuition differential authorized pursuant to this subsection may  
1402 take effect with the 2009 fall term.

1403           (c) A university board of trustees may submit a proposal to  
1404 the Board of Governors to implement a tuition differential for  
1405 one or more undergraduate courses. At a minimum, the proposal  
1406 shall:

1407           1. Identify the course or courses for which the tuition  
1408 differential will be assessed.

1409           2. Indicate the amount that will be assessed for each  
1410 tuition differential proposed.

1411           3. Indicate the purpose of the tuition differential.

1412           4. Indicate how the revenues from the tuition differential  
1413 will be used.

1414           5. Indicate how the university will monitor the success of  
1415 the tuition differential in achieving the purpose for which the  
1416 tuition differential is being assessed.

1417           (d) The Board of Governors shall review each proposal and  
1418 advise the university board of trustees of approval of the  
1419 proposal, the need for additional information or revision to the  
1420 proposal, or denial of the proposal. The Board of Governors  
1421 shall establish a process for any university to revise a

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1422 proposal or appeal a decision of the board.

1423 (e) The Board of Governors shall submit a report to the  
1424 President of the Senate, the Speaker of the House of  
1425 Representatives, and the Governor describing the implementation  
1426 of the provisions of this subsection no later than January 1,  
1427 2010, and no later than January 1 each year thereafter. The  
1428 report shall summarize proposals received by the board during  
1429 the preceding fiscal year and actions taken by the board in  
1430 response to such proposals. In addition, the report shall  
1431 provide the following information for each university that has  
1432 been approved by the board to assess a tuition differential:

1433 1. The course or courses for which the tuition differential  
1434 was assessed and the amount assessed.

1435 2. The total revenues generated by the tuition  
1436 differential.

1437 3. With respect to waivers authorized under subparagraph  
1438 (b)8., the number of students eligible for a waiver, the number  
1439 of students receiving a waiver, and the value of waivers  
1440 provided.

1441 4. Detailed expenditures of the revenues generated by the  
1442 tuition differential.

1443 5. Changes in retention rates, graduation rates, the  
1444 percentage of students graduating with more than 110 percent of  
1445 the hours required for graduation, pass rates on licensure  
1446 examinations, the number of undergraduate course offerings, the  
1447 percentage of undergraduate students who are taught by faculty,  
1448 student-faculty ratios, and the average salaries of faculty who  
1449 teach undergraduate courses.

1450 (f) No state university shall be required to lower any

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1451 tuition differential that was approved by the Board of Governors  
1452 and in effect prior to January 1, 2009, in order to comply with  
1453 the provisions of this subsection.

1454 (17) (a) A state university may assess a student who enrolls  
1455 in a course listed in the Florida Higher Education Distance  
1456 Learning Catalog, established pursuant to s. 1004.09, a per-  
1457 credit-hour distance learning course fee. For purposes of  
1458 assessing this fee, a distance learning course is a course in  
1459 which at least 80 percent of the direct instruction of the  
1460 course is delivered using some form of technology when the  
1461 student and instructor are separated by time or space, or both.

1462 (b) The amount of the distance learning course fee may not  
1463 exceed the additional costs of the services provided which are  
1464 attributable to the development and delivery of the distance  
1465 learning course. If the distance learning course fee is assessed  
1466 by a state university, the institution may not assess  
1467 duplicative fees to cover the additional costs.

1468 (c) The link for the catalog must be prominently displayed  
1469 within the advising and distance learning sections of the  
1470 institution's website, using a graphic and description provided  
1471 by the Florida Distance Learning Consortium, informing students  
1472 of the catalog.

1473 (18) A state university may not charge any fee except as  
1474 specifically authorized by law.

1475 (19) The Board of Governors shall adopt regulations to  
1476 implement the provisions of this section.

1477 Section 22. Subsection (9) of section 1009.26, Florida  
1478 Statutes, is amended to read:

1479 1009.26 Fee waivers.—

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1480 (9) Each university board of trustees is authorized to  
1481 waive tuition and out-of-state fees for purposes that support  
1482 and enhance the mission of the university. All fees waived must  
1483 be based on policies that are adopted by university boards of  
1484 trustees pursuant to regulations ~~rules~~ adopted by the Board of  
1485 Governors. Each university shall report the purpose, number, and  
1486 value of all fee waivers granted annually in a format prescribed  
1487 by the Board of Governors.

1488 Section 23. Paragraph (b) of subsection (1) and paragraph  
1489 (b) of subsection (4) of section 1010.04, Florida Statutes, are  
1490 amended to read:

1491 1010.04 Purchasing.—

1492 (1)

1493 (b) Purchases and leases by state universities shall comply  
1494 with the requirements of law and regulations ~~rules~~ of the Board  
1495 of Governors.

1496 (4)

1497 (b) The Board of Governors may, by regulation ~~rule~~, provide  
1498 for alternative procedures for state universities for bidding or  
1499 purchasing in cases in which the character of the item requested  
1500 renders competitive bidding impractical.

1501 Section 24. Subsection (1) of section 1010.62, Florida  
1502 Statutes, is amended to read:

1503 1010.62 Revenue bonds and debt.—

1504 (1) As used in this section, the term:

1505 (a) "Auxiliary enterprise" means any activity defined in s.  
1506 1011.47(1) and performed by a university or a direct-support  
1507 organization.

1508 (b) (a) "Capital outlay project" means:

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1509 1. Any project to acquire, construct, improve, or change  
1510 the functional use of land, buildings, and other facilities,  
1511 including furniture and equipment necessary to operate a new or  
1512 improved building or facility.

1513 2. Any other acquisition of equipment or software.

1514 (c)~~(b)~~ "Debt" means bonds, except revenue bonds as defined  
1515 in paragraph (e) ~~(d)~~, loans, promissory notes, lease-purchase  
1516 agreements, certificates of participation, installment sales,  
1517 leases, or any other financing mechanism or financial  
1518 arrangement, whether or not a debt for legal purposes, for  
1519 financing or refinancing for or on behalf of a state university  
1520 or a direct-support organization or for the acquisition,  
1521 construction, improvement, or purchase of capital outlay  
1522 projects.

1523 (d)~~(e)~~ "Direct-support organization" means an organization  
1524 created pursuant to s. 1004.28 or any entity specifically  
1525 established to incur debt.

1526 (e)~~(d)~~ "Revenue bonds" means any obligation that  
1527 constitutes a revenue bond pursuant to s. 11(d), Art. VII of the  
1528 State Constitution.

1529 Section 25. Section 1011.43, Florida Statutes, is amended  
1530 to read:

1531 1011.43 Investment of university agency and activity funds;  
1532 earnings used for scholarships.—Each university is authorized to  
1533 invest available agency and activity funds and to use the  
1534 earnings from such investments for student scholarships and  
1535 loans. The university board of trustees shall provide procedures  
1536 for the administration of these scholarships and loans by  
1537 regulations ~~rules~~.

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1538 Section 26. Subsection (4) of section 1011.90, Florida  
1539 Statutes, is amended to read:

1540 1011.90 State university funding.—

1541 (4) The Board of Governors shall establish and validate a  
1542 cost-estimating system consistent with the requirements of  
1543 subsection (1) and shall report as part of its legislative  
1544 budget request the actual expenditures for the fiscal year  
1545 ending the previous June 30. Expenditure analysis, operating  
1546 budgets, and annual financial statements of each university must  
1547 be prepared using the standard financial reporting procedures  
1548 and formats prescribed by the Board of Governors. These formats  
1549 shall be the same as used for the 2000-2001 fiscal year reports.  
1550 Any revisions to these financial and reporting procedures and  
1551 formats must be approved by the Executive Office of the Governor  
1552 and the appropriations committees of the Legislature jointly  
1553 under the provisions of s. 216.023(3). The Board of Governors  
1554 shall continue to collect and maintain at a minimum ~~the~~  
1555 management information ~~databases~~ existing on June 30, 2002. The  
1556 expenditure analysis report shall include total expenditures  
1557 from all sources for the general operation of the university and  
1558 shall be in such detail as needed to support the legislative  
1559 budget request.

1560 Section 27. Paragraph (b) of subsection (2) of section  
1561 1013.02, Florida Statutes, is amended to read:

1562 1013.02 Purpose; rules and regulations.—

1563 (2)

1564 (b) The Board of Governors shall adopt regulations pursuant  
1565 to its regulation development procedure ~~rules pursuant to ss.~~  
1566 ~~120.536(1) and 120.54~~ to implement the provisions of this

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1567 chapter for state universities.

1568 Section 28. Section 1013.10, Florida Statutes, is amended  
1569 to read:

1570 1013.10 Use of buildings and grounds.—The board may permit  
1571 the use of educational facilities and grounds for any legal  
1572 assembly or for community use centers or may permit the same to  
1573 be used as voting places in any primary, regular, or special  
1574 election. The board shall adopt rules, regulations, or policies  
1575 and procedures necessary to protect educational facilities and  
1576 grounds when used for such purposes.

1577 Section 29. Paragraph (b) of subsection (5) of section  
1578 1013.12, Florida Statutes, is amended to read:

1579 1013.12 Casualty, safety, sanitation, and firesafety  
1580 standards and inspection of property.—

1581 (5) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION  
1582 FACILITIES.—

1583 (b) Firesafety inspections of state universities shall  
1584 comply with regulations ~~rules~~ of the Board of Governors.

1585 Section 30. Paragraph (b) of subsection (1) of section  
1586 1013.28, Florida Statutes, is amended to read:

1587 1013.28 Disposal of property.—

1588 (1) REAL PROPERTY.—

1589 (b) Subject to regulations ~~rules~~ of the Board of Governors,  
1590 a state university board of trustees may dispose of any land or  
1591 real property to which it holds valid title which is, by  
1592 resolution of the state university board of trustees, determined  
1593 to be unnecessary for educational purposes as recommended in an  
1594 educational plant survey. A state university board of trustees  
1595 shall take diligent measures to dispose of educational property

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1596 only in the best interests of the public. However, appraisals  
1597 may be obtained by the state university board of trustees prior  
1598 to or simultaneously with the receipt of bids.

1599 Section 31. Subsection (22) of section 1013.30, Florida  
1600 Statutes, is amended to read:

1601 1013.30 University campus master plans and campus  
1602 development agreements.—

1603 (22) In consultation with the state land planning agency,  
1604 the Board of Governors shall adopt a single, uniform set of  
1605 regulations ~~rules~~ to administer subsections (3)-(6). The  
1606 regulations ~~rules~~ must set specific schedules and procedures for  
1607 the development and adoption of campus master plans. Before  
1608 adopting the regulations ~~rules~~, the Board of Governors must  
1609 obtain written verification from the state land planning agency  
1610 that the regulations ~~rules~~ satisfy the minimum statutory  
1611 criteria required by subsections (3)-(6). The state land  
1612 planning agency shall provide the verification within 45 days  
1613 after receiving a copy of the regulations ~~rules~~.

1614 Section 32. Paragraph (b) of subsection (1) of section  
1615 1013.31, Florida Statutes, is amended to read:

1616 1013.31 Educational plant survey; localized need  
1617 assessment; PECO project funding.—

1618 (1) At least every 5 years, each board shall arrange for an  
1619 educational plant survey, to aid in formulating plans for  
1620 housing the educational program and student population, faculty,  
1621 administrators, staff, and auxiliary and ancillary services of  
1622 the district or campus, including consideration of the local  
1623 comprehensive plan. The Department of Education shall document  
1624 the need for additional career and adult education programs and



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1625 the continuation of existing programs before facility  
1626 construction or renovation related to career or adult education  
1627 may be included in the educational plant survey of a school  
1628 district or community college that delivers career or adult  
1629 education programs. Information used by the Department of  
1630 Education to establish facility needs must include, but need not  
1631 be limited to, labor market data, needs analysis, and  
1632 information submitted by the school district or community  
1633 college.

1634 (b) *Required need assessment criteria for district,*  
1635 *community college, state university, and Florida School for the*  
1636 *Deaf and the Blind plant surveys.*—Educational plant surveys must  
1637 use uniform data sources and criteria specified in this  
1638 paragraph. Each revised educational plant survey and each new  
1639 educational plant survey supersedes previous surveys.

1640 1. The school district's survey must be submitted as a part  
1641 of the district educational facilities plan defined in s.  
1642 1013.35. To ensure that the data reported to the Department of  
1643 Education as required by this section is correct, the department  
1644 shall annually conduct an onsite review of 5 percent of the  
1645 facilities reported for each school district completing a new  
1646 survey that year. If the department's review finds the data  
1647 reported by a district is less than 95 percent accurate, within  
1648 1 year from the time of notification by the department the  
1649 district must submit revised reports correcting its data. If a  
1650 district fails to correct its reports, the commissioner may  
1651 direct that future fixed capital outlay funds be withheld until  
1652 such time as the district has corrected its reports so that they  
1653 are not less than 95 percent accurate.

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1654           2. Each survey of a special facility, joint-use facility,  
1655 or cooperative career education facility must be based on  
1656 capital outlay full-time equivalent student enrollment data  
1657 prepared by the department for school districts and community  
1658 colleges and by the Chancellor of the State University System  
1659 for universities. A survey of space needs of a joint-use  
1660 facility shall be based upon the respective space needs of the  
1661 school districts, community colleges, and universities, as  
1662 appropriate. Projections of a school district's facility space  
1663 needs may not exceed the norm space and occupant design criteria  
1664 established by the State Requirements for Educational  
1665 Facilities.

1666           3. Each community college's survey must reflect the  
1667 capacity of existing facilities as specified in the inventory  
1668 maintained by the Department of Education. Projections of  
1669 facility space needs must comply with standards for determining  
1670 space needs as specified by rule of the State Board of  
1671 Education. The 5-year projection of capital outlay student  
1672 enrollment must be consistent with the annual report of capital  
1673 outlay full-time student enrollment prepared by the Department  
1674 of Education.

1675           4. Each state university's survey must reflect the capacity  
1676 of existing facilities as specified in the inventory maintained  
1677 and validated by the Chancellor of the State University System.  
1678 Projections of facility space needs must be consistent with  
1679 standards for determining space needs as specified by regulation  
1680 ~~rule~~ of the Board of Governors. The projected capital outlay  
1681 full-time equivalent student enrollment must be consistent with  
1682 the 5-year planned enrollment cycle for the State University

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1683 System approved by the Board of Governors.

1684 5. The district educational facilities plan of a school  
1685 district and the educational plant survey of a community  
1686 college, state university, or the Florida School for the Deaf  
1687 and the Blind may include space needs that deviate from approved  
1688 standards for determining space needs if the deviation is  
1689 justified by the district or institution and approved by the  
1690 department or the Board of Governors, as appropriate, as  
1691 necessary for the delivery of an approved educational program.

1692 Section 33. Section 1013.47, Florida Statutes, is amended  
1693 to read:

1694 1013.47 Substance of contract; contractors to give bond;  
1695 penalties.—Each board shall develop contracts consistent with  
1696 this chapter and statutes governing public facilities. Such a  
1697 contract must contain the drawings and specifications of the  
1698 work to be done and the material to be furnished, the time limit  
1699 in which the construction is to be completed, the time and  
1700 method by which payments are to be made upon the contract, and  
1701 the penalty to be paid by the contractor for any failure to  
1702 comply with the terms of the contract. The board may require the  
1703 contractor to pay a penalty for any failure to comply with the  
1704 terms of the contract and may provide an incentive for early  
1705 completion. Upon accepting a satisfactory bid, the board shall  
1706 enter into a contract with the party or parties whose bid has  
1707 been accepted. The contractor shall furnish the board with a  
1708 performance and payment bond as set forth in s. 255.05. A board  
1709 or other public entity may not require a contractor to secure a  
1710 surety bond under s. 255.05 from a specific agent or bonding  
1711 company. Notwithstanding any other provision of this section, if

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1712 25 percent or more of the costs of any construction project is  
1713 paid out of a trust fund established pursuant to 31 U.S.C. s.  
1714 1243(a)(1), laborers and mechanics employed by contractors or  
1715 subcontractors on such construction will be paid wages not less  
1716 than those prevailing on similar construction projects in the  
1717 locality, as determined by the Secretary of Labor in accordance  
1718 with the Davis-Bacon Act, as amended. A person, firm, or  
1719 corporation that constructs any part of any educational plant,  
1720 or addition thereto, on the basis of any unapproved plans or in  
1721 violation of any plans approved in accordance with the  
1722 provisions of this chapter and rules of the State Board of  
1723 Education or regulations of the Board of Governors relating to  
1724 building standards or specifications is subject to forfeiture of  
1725 bond and unpaid compensation in an amount sufficient to  
1726 reimburse the board for any costs that will need to be incurred  
1727 in making any changes necessary to assure that all requirements  
1728 are met and is also guilty of a misdemeanor of the second  
1729 degree, punishable as provided in s. 775.082 or s. 775.083, for  
1730 each separate violation.

1731 Section 34. Subsection (3) of section 1013.74, Florida  
1732 Statutes, is amended to read:

1733 1013.74 University authorization for fixed capital outlay  
1734 projects.—

1735 (3) Other than those projects currently authorized, no  
1736 project proposed by a university which is to be funded from  
1737 Capital Improvement Trust Fund fees or building fees shall be  
1738 submitted to the Board of Governors for approval without prior  
1739 consultation with the student government association of that  
1740 university. The Board of Governors may adopt regulations ~~rules~~

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1741 which are consistent with this requirement.

1742 Section 35. (1) Sections 1001.74, 1004.21, 1004.38,  
1743 1004.381, 1004.3811, 1004.382, 1004.383, 1004.386, and 1004.64,  
1744 Florida Statutes, and subsection (13) of section 1004.22,  
1745 Florida Statutes, are repealed.

1746 (2) It is the intent of the Legislature that the repeal of  
1747 sections 1004.38, 1004.381, 1004.3811, 1004.382, 1004.383,  
1748 1004.386, and 1004.64, Florida Statutes, by this act is to  
1749 remove existing statutory authority that is no longer necessary  
1750 for the degree programs and entities that were authorized under  
1751 those provisions and does not affect the authority of a state  
1752 university or the Board of Governors of the State University  
1753 System to continue such programs and entities.

1754 Section 36. Each state university shall identify and submit  
1755 to the Board of Governors a list of rules published in Titles  
1756 6C1, 6C2, 6C3, 6C4, 6C5, 6C6, 6C7, 6C8, 6C9, 6C10, and 6C11,  
1757 Florida Administrative Code, that have been superseded by  
1758 regulations adopted by the Board of Governors or the university  
1759 board of trustees pursuant to authority under s. 7, Art. IX of  
1760 the State Constitution or for which specific statutory authority  
1761 to adopt such regulations has been provided under this act. The  
1762 Board of Governors shall confirm that the information provided  
1763 complies with the provisions of this section and forward the  
1764 information to the Department of State along with any rules of  
1765 the Board of Governors published in Title 6C that meet the same  
1766 criteria. The Department of State may remove from the Florida  
1767 Administrative Code on or before June 30, 2011, any rule of a  
1768 state university or the Board of Governors that derives purely  
1769 from constitutional authority or for which statutory authority

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1770 to adopt regulations instead of rules has been provided. If the  
1771 Department of State removes a rule from the Florida  
1772 Administrative Code pursuant to this section, it shall place a  
1773 history note at the rule number indicating the action taken and  
1774 referencing this section.

1775 Section 37. This act shall take effect July 1, 2010.