

By Representatives Constantine and Turnbull

1                                   A bill to be entitled  
2           An act relating to postsecondary education;  
3           amending s. 110.131, F.S.; deleting the  
4           requirement that the Board of Regents comply  
5           with recordkeeping and reporting requirements  
6           for other-personal-services employment;  
7           amending s. 235.055, F.S.; deleting authority  
8           of the Board of Regents to construct facilities  
9           on leased property and enter into certain  
10          leases; amending s. 240.1201, F.S.; classifying  
11          specified scholars as residents for tuition  
12          purposes; amending s. 240.147, F.S.; correcting  
13          a cross reference; amending s. 240.205, F.S.;  
14          revising the acquisition and contracting  
15          authority of the Board of Regents; amending s.  
16          240.209, F.S.; authorizing procedures to  
17          administer an acquisition program; authorizing  
18          the Board of Regents to sell, convey, transfer,  
19          exchange, trade, or purchase real property and  
20          related improvements; providing requirements;  
21          amending s. 240.214, F.S.; revising provisions  
22          relating to the State University System  
23          accountability process; amending s. 240.227,  
24          F.S.; revising the acquisition and contracting  
25          authority of university presidents; authorizing  
26          adjustment of property records and disposal of  
27          certain tangible personal property; amending s.  
28          240.289, F.S.; revising rulemaking for credit  
29          card use; amending s. 243.151, F.S.; providing  
30          a procedure under which a university may  
31          construct facilities on leased property;

1           amending s. 287.012, F.S.; excluding the Board  
2           of Regents and the State University System from  
3           the term "agency" for purposes of state  
4           procurement of commodities and services;  
5           repealing ss. 240.225, 240.247, 240.4988(4),  
6           and 287.017(3), F.S., relating to delegation of  
7           authority by the Department of Management  
8           Services to the State University System,  
9           eradication of salary discrimination, Board of  
10          Regents' rules for the Theodore R. and Vivian  
11          M. Johnson Scholarship Program, and  
12          applicability of purchasing category rules to  
13          the State University System; providing an  
14          effective date.

15  
16   Be It Enacted by the Legislature of the State of Florida:

17  
18           Section 1. Paragraph (a) of subsection (6) of section  
19   110.131, Florida Statutes, 1996 Supplement, is amended to  
20   read:

21           110.131 Other-personal-services temporary  
22   employment.--

23           (6)(a) The provisions of subsections (2), (3), and (4)  
24   do not apply to any employee for whom the Board of Regents or  
25   the Board of Trustees of the Florida School for the Deaf and  
26   the Blind is the employer as defined in s. 447.203(2); except  
27   that, for purposes of subsection (5), ~~the Board of Regents and~~  
28   the Board of Trustees of the Florida School for the Deaf and  
29   the Blind shall comply with the recordkeeping and reporting  
30   requirements adopted by the department pursuant to subsection  
31

1 (3) with respect to those other-personal-services employees  
2 exempted by this subsection.

3 Section 2. Section 235.055, Florida Statutes, is  
4 amended to read:

5 235.055 Construction of facilities on leased property;  
6 conditions.--

7 (1) A board may ~~Boards, including the Board of~~  
8 ~~Regents, are authorized to~~ construct or place educational  
9 facilities and ancillary facilities on land which is owned by  
10 any person after the board has acquired from the owner of the  
11 land a long-term lease for the use of this land for a period  
12 of not less than 40 years or the life expectancy of the  
13 permanent facilities constructed thereon, whichever is longer.

14 (2) A board may, ~~including the Board of Regents, is~~  
15 ~~authorized to~~ enter into a short-term lease for the use of  
16 land owned by any person on which temporary or relocatable  
17 facilities are to be utilized.

18 Section 3. Paragraph (j) is added to subsection (10)  
19 of section 240.1201, Florida Statutes, 1996 Supplement, to  
20 read:

21 240.1201 Determination of resident status for tuition  
22 purposes.--Students shall be classified as residents or  
23 nonresidents for the purpose of assessing tuition fees in  
24 public community colleges and universities.

25 (10) The following persons shall be classified as  
26 residents for tuition purposes:

27 (j) National Hispanic Scholars, National Achievement  
28 Scholar finalists, and National Merit Scholars and finalists.

29 Section 4. Subsection (4) of section 240.147, Florida  
30 Statutes, is amended to read:

31

1           240.147 Powers and duties of the commission.--The  
2 commission shall:

3           (4) Recommend to the State Board of Education  
4 contracts with independent institutions to conduct programs  
5 consistent with the state master plan for postsecondary  
6 education. In making recommendations, the commission shall  
7 consider the annual report submitted by the Board of Regents  
8 pursuant to s. 240.209(3)(s)(~~r~~). Each program shall be  
9 reviewed, with the cooperation of the institution, every 5  
10 years.

11           Section 5. Subsection (6) of section 240.205, Florida  
12 Statutes, is amended to read:

13           240.205 Board of Regents incorporated.--The Board of  
14 Regents is hereby created as a body corporate with all the  
15 powers of a body corporate for all the purposes created by, or  
16 that may exist under, the provisions of this chapter or laws  
17 amendatory hereof and shall:

18           (6) Acquire real and personal property and contract  
19 for the sale and disposal of same and approve and execute  
20 contracts for the acquisition of commodities, goods,  
21 equipment, contractual or services, including educational  
22 ~~services for~~ leases of real and personal property, and for  
23 ~~construction, in accordance with chapter 287, as applicable.~~  
24 The acquisition may include purchase by installment or  
25 lease-purchase. Such contracts may provide for payment of  
26 interest on the unpaid portion of the purchase price. The  
27 board may also acquire the same commodities, goods, equipment,  
28 <U>contractual services, leases, and construction, as designated  
29 ~~for the board,~~ for use by a university when the contractual  
30 obligation exceeds \$1 million ~~\$500,000~~. Title to all real  
31 property, however acquired, shall be vested in the Board of

1 Trustees of the Internal Improvement Trust Fund and shall be  
2 transferred and conveyed by it.

3 Section 6. Paragraphs (e) and (r) of subsection (3) of  
4 section 240.209, Florida Statutes, 1996 Supplement, are  
5 amended, and subsection (9) is added to said section, to read:

6 240.209 Board of Regents; powers and duties.--

7 (3) The board shall:

8 (e) Establish student fees.

9 1. By no later than December 1 of each year, the board  
10 shall raise the systemwide standard for resident undergraduate  
11 matriculation and financial aid fees for the subsequent fall  
12 term, up to but no more than 25 percent of the prior year's  
13 cost of undergraduate programs. In implementing this  
14 paragraph, fees charged for graduate, medical, veterinary, and  
15 dental programs may be increased by the Board of Regents in  
16 the same percentage as the increase in fees for resident  
17 undergraduates. However, in the absence of legislative action  
18 to the contrary in an appropriations act, the board may not  
19 approve annual fee increases for resident students in excess  
20 of 10 percent. The sum of nonresident student matriculation  
21 and tuition fees must be sufficient to defray the full cost of  
22 undergraduate education. Graduate, medical, veterinary, and  
23 dental fees charged to nonresidents may be increased by the  
24 board in the same percentage as the increase in fees for  
25 nonresident undergraduates. However, in implementing this  
26 policy and in the absence of legislative action to the  
27 contrary in an appropriations act, annual fee increases for  
28 nonresident students may not exceed 25 percent. In the absence  
29 of legislative action to the contrary in the General  
30 Appropriations Act, the fees shall go into effect for the  
31 following fall term.

1           2. When the appropriations act requires a new fee  
2 schedule, the board shall establish a systemwide standard fee  
3 schedule required to produce the total fee revenue established  
4 in the appropriations act based on the product of the assigned  
5 enrollment and the fee schedule. The board may approve the  
6 expenditure of any fee revenues resulting from the product of  
7 the fee schedule adopted pursuant to this section and the  
8 assigned enrollment.

9           3. Upon provision of authority in a General  
10 Appropriations Act to spend revenue raised pursuant to this  
11 section, the board shall approve a university request to  
12 implement a matriculation and out-of-state tuition fee  
13 schedule which is calculated to generate revenue which varies  
14 no more than 10 percent from the standard fee revenues  
15 authorized through an appropriations act. In implementing an  
16 alternative fee schedule, the increase in cost to a student  
17 taking 15 hours in one term shall be limited to 5 percent.  
18 Matriculation and out-of-state tuition fee revenues generated  
19 as a result of this provision are to be expended for  
20 implementing a plan for achieving accountability goals adopted  
21 pursuant to s. 240.214(2) and for implementing a Board of  
22 Regents-approved plan to contain student costs by reducing the  
23 time necessary for graduation without reducing the quality of  
24 instruction. The plans shall be recommended by a  
25 universitywide committee, at least one-half of whom are  
26 students appointed by the student body president. A  
27 chairperson, appointed jointly by the university president and  
28 the student body president, shall vote only in the case of a  
29 tie.

30           4. The board is authorized to collect for financial  
31 aid purposes an amount not to exceed 5 percent of the student

1 tuition and matriculation fee per credit hour. The revenues  
2 from fees are to remain at each campus and replace existing  
3 financial aid fees. Such funds shall be disbursed to students  
4 as quickly as possible. The board shall specify specific  
5 limits on the percent of the fees collected in a fiscal year  
6 which may be carried forward unexpended to the following  
7 fiscal year. A minimum of 50 percent of funds from the student  
8 financial aid fee shall be used to provide financial aid based  
9 on absolute need. A student who has received an award prior to  
10 July 1, 1984, shall have his or her eligibility assessed on  
11 the same criteria that was used at the time of his or her  
12 original award.

13           5. The board may recommend to the Legislature an  
14 appropriate systemwide standard matriculation and tuition fee  
15 schedule.

16           6. The Education and General Student and Other Fees  
17 Trust Fund is hereby created, to be administered by the  
18 Department of Education. Funds shall be credited to the trust  
19 fund from student fee collections and other miscellaneous fees  
20 and receipts. The purpose of the trust fund is to support the  
21 instruction and research missions of the State University  
22 System. Notwithstanding the provisions of s. 216.301, and  
23 pursuant to s. 216.351, any balance in the trust fund at the  
24 end of any fiscal year shall remain in the trust fund and  
25 shall be available for carrying out the purposes of the trust  
26 fund.

27           (r) Adopt such rules as are necessary to carry out its  
28 duties and responsibilities, including, but not limited to,  
29 procedures to administer an acquisition program for the  
30 purchase or lease of real and personal property and  
31 contractual services pursuant to s. 240.205(6).

1       (9) Notwithstanding the provisions of s. 253.025, the  
2 Board of Regents may, with the consent of the Board of  
3 Trustees of the Internal Improvement Trust Fund, sell, convey,  
4 transfer, exchange, trade, or purchase real property and  
5 related improvements necessary and desirable to serve the  
6 needs and purposes of a university in the State University  
7 System.

8       (a) The board may secure appraisals and surveys. The  
9 board shall comply with the rules of the Board of Trustees of  
10 the Internal Improvement Trust Fund in securing appraisals.  
11 Whenever the board finds it necessary for timely property  
12 acquisition, it may contract, without the need for competitive  
13 selection, with one or more appraisers whose names are  
14 contained on the list of approved appraisers maintained by the  
15 Division of State Lands in the Department of Environmental  
16 Protection.

17       (b) The board may negotiate and enter into an option  
18 contract before an appraisal is obtained. The option contract  
19 must state that the final purchase price may not exceed the  
20 maximum value allowed by law. The consideration for such an  
21 option contract may not exceed 10 percent of the estimate  
22 obtained by the board or 10 percent of the value of the  
23 parcel, whichever is greater, unless otherwise authorized by  
24 the board.

25       (c) This subsection is not intended to abrogate in any  
26 manner the authority delegated to the Board of Trustees of the  
27 Internal Improvement Trust Fund or the Division of State Lands  
28 to approve a contract for purchase of state lands or to  
29 require policies and procedures to obtain clear legal title to  
30 parcels purchased for state purposes. Title to property  
31

1 acquired by the board shall vest in the Board of Trustees of  
2 the Internal Improvement Trust Fund.

3 Section 7. Section 240.214, Florida Statutes, is  
4 amended to read:

5 240.214 State University System accountability  
6 process.--It is the intent of the Legislature that an  
7 accountability process be implemented which provides for the  
8 systematic, ongoing evaluation of quality and effectiveness in  
9 the State University System. It is further the intent of the  
10 Legislature that this accountability process monitor  
11 performance at the system level in each of the major areas of  
12 instruction, research, and public service, while recognizing  
13 the differing missions of each of the state universities. The  
14 accountability process shall provide for the adoption of  
15 systemwide performance standards and performance goals for  
16 each standard identified through a collaborative effort  
17 involving the State University System, the Legislature, and  
18 the Governor's Office. These standards and goals shall be  
19 consistent with s. 216.011(1) to maintain congruity with the  
20 performance-based budgeting process. This process requires  
21 that university accountability reports reflect measures  
22 defined through performance-based budgeting. The  
23 performance-based budgeting measures must also reflect the  
24 elements of teaching, research, and service inherent in the  
25 missions of the institutions in the State University System.

26 ~~The accountability process shall result in an annual~~  
27 ~~accountability report to the Legislature.~~

28 ~~(1) The annual accountability report shall include~~  
29 ~~goals and measurable objectives related to the systemwide~~  
30 ~~strategic plan pursuant to s. 240.209. The plan must include,~~  
31 ~~at a minimum, objectives related to the following measures:~~

- 1           ~~(a) Total student credit hours;~~  
2           ~~(b) Total number of contact hours of instruction~~  
3 ~~produced by faculty, by institution, rank, and course level;~~  
4           ~~(c) Pass rates on professional licensure examinations,~~  
5 ~~by institution;~~  
6           ~~(d) Institutional quality as assessed by followup,~~  
7 ~~such as analyses of employment information on former students,~~  
8 ~~national rankings, and surveys of alumni, parents, clients,~~  
9 ~~and employers;~~  
10          ~~(e) Length of time and number of academic credits~~  
11 ~~required to complete an academic degree, by institution and by~~  
12 ~~degree;~~  
13          ~~(f) Enrollment, progression, retention, and graduation~~  
14 ~~rates by race and gender;~~  
15          ~~(g) Student course demand;~~  
16          ~~(h) An analysis of administrative and support~~  
17 ~~functions;~~  
18          ~~(i) Every 3 years, beginning 1995-1996, an analysis of~~  
19 ~~the cumulative debt of students; and~~  
20          ~~(j) An evaluation of the production of classroom~~  
21 ~~contact hours at each university in comparison to a standard~~  
22 ~~of 12 contact hours per term or 32 contact hours per year for~~  
23 ~~each full-time instructional position and the level of funding~~  
24 ~~provided for instruction.~~

25           ~~(1)(2)~~ By December 31 of each year, the Board of  
26 Regents shall submit an ~~the~~ annual accountability report  
27 providing information on the implementation of performance  
28 standards, actions taken to improve university achievement of  
29 performance goals, the achievement of performance goals during  
30 the prior year, and initiatives to be undertaken during the  
31 next year. The accountability reports shall be designed in

1 consultation with the Governor's Office, the Office of the  
2 Auditor General, and the Legislature.

3 (2)~~(3)~~ The Board of Regents shall recommend in the  
4 annual accountability report any appropriate modifications to  
5 this section.

6 Section 8. Subsections (12) and (13) of section  
7 240.227, Florida Statutes, are amended to read:

8 240.227 University presidents; powers and duties.--The  
9 president is the chief administrative officer of the  
10 university and is responsible for the operation and  
11 administration of the university. Each university president  
12 shall:

13 (12) Approve and execute contracts for the acquisition  
14 of commodities, goods, for equipment, for services, including  
15 educational services, for leases of for real and personal  
16 property, and for construction to be rendered to or by the  
17 university, provided such contracts are made pursuant to rules  
18 of the Board of Regents the provisions of chapter 287, as  
19 applicable, are for the implementation of approved programs of  
20 the university, and do not require expenditures in excess of  
21 \$1 million~~\$500,000~~. The acquisition ~~Goods and equipment~~ may  
22 be made acquired by installment or lease-purchase contract.  
23 Such contracts may provide for the payment of interest on the  
24 unpaid portion of the purchase price.

25 (13) Manage the property and financial resources of  
26 the university, including, but not limited to, having the  
27 authority to adjust property records and dispose of  
28 state-owned tangible personal property in the university's  
29 custody in accordance with procedures established by the Board  
30 of Regents. Notwithstanding the provisions of s. 273.055(5),  
31 all moneys received from the disposition of state-owned

1 tangible personal property shall be retained by the university  
2 and disbursed for the acquisition of tangible personal  
3 property and for all necessary operating expenditures. The  
4 university shall maintain records of the accounts into which  
5 such moneys are deposited ~~pursuant to s. 240.225.~~

6 Section 9. Section 240.289, Florida Statutes, is  
7 amended to read:

8 240.289 Credit card use in university system;  
9 authority.--The several universities in the State University  
10 System are authorized, notwithstanding the provisions of  
11 ~~pursuant to~~ s. 215.322, to enter into agreements and accept  
12 credit card payments as compensation for goods, services,  
13 tuition, and fees in accordance with rules established by the  
14 Board of Regents. Such rules shall allow the universities to  
15 accept credit card payment for tuition, nonresident tuition,  
16 and fees without collecting a service fee or surcharge.

17 Section 10. Subsection (4) of section 243.151, Florida  
18 Statutes, is renumbered as subsection (5), subsection (3) is  
19 renumbered as subsection (4) and amended, and a new subsection  
20 (3) is added to said section, to read:

21 243.151 Lease agreements; land, facilities.--

22 (3) Upon approval by the Board of Regents, a  
23 university may:

24 (a) Construct educational facilities on land that is  
25 owned by a direct-support organization, as defined in s.  
26 240.299, or a governmental agency at the federal, state,  
27 county, or municipal level, if the university has acquired a  
28 long-term lease for the use of the land. The lease must be  
29 for at least 40 years or the expected time the facilities to  
30 be constructed on the land are expected to remain in a  
31 condition acceptable for use, whichever is longer.

1           (b) Acquire a short-term lease from one of the  
2 entities listed in paragraph (a) for the use of land, if  
3 adequate temporary or relocatable facilities are available on  
4 the land.

5           (c) Enter into a short-term lease for the use of land  
6 and buildings upon which capital improvements may be made.

7  
8 If sufficient land is not available from any of the entities  
9 listed in paragraph (a), a university may acquire a short-term  
10 lease from a private landowner or developer.

11           ~~(4)~~(3) Agreements as provided in this section shall be  
12 entered into with an offeror resulting from publicly announced  
13 competitive bids or proposals, except that the university may  
14 enter into an agreement with an entity enumerated in paragraph  
15 (3)(a) for leasing land or with a direct-support organization  
16 as provided in s. 240.299, which shall enter into subsequent  
17 agreements for financing and constructing the project after  
18 receiving competitive bids or proposals. Any facility  
19 constructed, lease-purchased, or purchased under such  
20 agreements, whether erected on land under the jurisdiction of  
21 the university or not, shall conform to the construction  
22 standards and codes applicable to university facilities. The  
23 Board of Regents shall adopt such rules as are necessary to  
24 carry out its duties and responsibilities imposed by this  
25 section.

26           Section 11. Subsection (1) of section 287.012, Florida  
27 Statutes, 1996 Supplement, is amended to read:

28           287.012 Definitions.--The following definitions shall  
29 apply in this part:

30           (1) "Agency" means any of the various state officers,  
31 departments, boards, commissions, divisions, bureaus, and

502-149-97

1 councils and any other unit of organization, however  
 2 designated, of the executive branch of state government.  
 3 "Agency" does not include the Board of Regents or the State  
 4 University System.

5 Section 12. Section 240.247, subsection (4) of section  
 6 240.4988, and subsection (3) of section 287.017, Florida  
 7 Statutes, and section 240.225, Florida Statutes, as amended by  
 8 chapter 94-226, Laws of Florida, are hereby repealed.

9 Section 13. This act shall take effect July 1, 1997.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

\*\*\*\*\*

HOUSE SUMMARY

Deletes the requirement that the Board of Regents comply with recordkeeping and reporting requirements for other-personal-services employment. Deletes authority of the Board of Regents to construct facilities on leased property and enter into certain leases. Classifies specified scholars as residents for tuition purposes. Revises the acquisition and contracting authority of the Board of Regents. Authorizes procedures to administer an acquisition program. Authorizes the Board of Regents to sell, convey, transfer, exchange, trade, or purchase real property and related improvements and provides requirements. Revises provisions relating to the State University System accountability process. Revises the acquisition and contracting authority of university presidents. Authorizes adjustment of property records and disposal of certain tangible personal property. Revises rulemaking for credit card use. Provides a procedure under which a university may construct facilities on leased property. Excludes the Board of Regents and the State University System from the term "agency" for purposes of state procurement of commodities and services. Repeals provisions relating to delegation of authority by the Department of Management Services to the State University System, eradication of salary discrimination, Board of Regents' rules for the Theodore R. and Vivian M. Johnson Scholarship Program, and applicability of purchasing category rules to the State University System.