

STORAGE NAME: h1567s2z.cu
DATE: July 10, 2000

****AS PASSED BY THE LEGISLATURE****
CHAPTER #: 2000-215, L.O.F., Laws of Florida

HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
Colleges & Universities
FINAL ANALYSIS

BILL #: CS/CS/HB 1567, 3RD ENG (PCB CU 00-03)

RELATING TO: Rulemaking Authority within the State University System

SPONSOR(S): Committees on Education Appropriations, Governmental Rules & Regulations, and Colleges & Universities, and Representative Casey and others

TIED BILL(S): None

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

- (1) COLLEGES & UNIVERSITIES YEAS 4 NAYS 2
- (2) GOVERNMENTAL RULES AND REGULATIONS YEAS 8 NAYS 0
- (3) EDUCATION APPROPRIATIONS YEAS 11 NAYS 0
- (4)
- (5)

I. SUMMARY:

The 1999 Legislature amended the Administrative Procedure Act to provide that an agency may adopt only rules that implement or interpret "specific powers and duties" granted by statute. Each agency submitted, to the Joint Administrative Procedures Committee (JAPC), on October 1, 1999, a list of rules adopted before June 18, 1999 which exceed the new standard for rulemaking authority. The State University System submitted a report listing over 200 rules or portions of rules identified as needing additional statutory authority. The rules identified by the State University System relate to: admissions; enrollment; students; fees; academic policies; personnel; finances; property and facilities; sponsored research; faculty practice plans; athletics; and other administrative matters.

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

Additionally, this act authorizes the Board of Regents to implement individual university plans for a differential out-of-state tuition fee for universities that have a service area that borders another state. This act also amends the minimum statutory requirements relating to undergraduate admission to a state university to provide for successful completion of a 19-credit college-prep curriculum, require submission of either an SAT or ACT test score, and provide guidelines regarding electives.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

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

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

B. PRESENT SITUATION:

RULEMAKING AUTHORITY

In 1996, the Legislature significantly revised the Administrative Procedure Act (APA) which was designed to require executive branch agencies to more closely adhere to statutory authority when agencies adopt rules. The 1996 amendments created a new section, s. 120.536(1), F.S., requiring existing and proposed rules to implement, interpret or make specific the particular powers and duties granted by the enabling statute. This "map-tack" provision ensures that agency rules closely relate to the enabling statute and, thus, imposes a more stringent standard.

The Legislature recognized that imposing a new statutory standard to determine the validity of rules might suddenly invalidate many rules which had previously been adopted by the agencies under the older, more lenient standard. Rather than immediately invalidate existing rules, the 1996 reform legislation required each agency to examine all of its rules that had been adopted prior to the effective date of the 1996 amendments, in light of the new "map-tack" standard, and report to the Joint Administrative Procedures Committee (JAPC) the list of rules which exceeded the new standard.

Rules placed on the list were temporarily shielded from legal challenges that claimed they were invalid under the new "map-tack" provision. This shield left those rules in place during the 1998 legislative session, allowing the Legislature to determine which policies established by those rules should be codified in statute. If legislation enacted during the 1998 session provided statutory support for the rule, it remained in effect. On the other hand, the new section directed agencies to initiate repeal of any rule for which there is no authorizing legislation by January 1, 1999. Notably, an existing agency rule successfully challenged under the new APA for lack of statutory authority requires that the agency discontinue its reliance on the rule and the agency may have to pay attorney's fees and costs.

Subsequent to the 1996 amendments to the APA, several appellate cases have sought to interpret the "map-tack" standard. In *St. Johns River Water Management District v.*

*Consolidated-Tomoka Land Co., et al.*¹ the petitioner land owners challenged proposed rules of the District that would create a regulatory subdistrict in the Spruce Creek and Tomoka River Hydrologic Basins, and would create new standards for managing and storing surface waters in developments within this basin. An Administrative Law Judge (ALJ) in the Division of Administrative Hearings held that although the proposed rules were not arbitrary or capricious, were supported by competent and substantial evidence, and substantially accomplish the statutory objectives, the rules were invalid as a matter of law because the rules lacked the underlying statutory detail required by the new rulemaking standard in ss. 120.52(8) and 120.536(1), F.S. The District appealed on this issue.

The First District Court of Appeal reversed the ALJ's final order, holding the proposed rules valid. In doing so, the court applied a "functional test based on the nature of the power or duty at issue and not on the level of detail in the language of the applicable statute." The court laid out its analysis as follows:

The question is whether the rule falls within the range of powers the Legislature has granted to the agency for the purpose of enforcing or implementing the statutes within its jurisdiction. A rule is a valid exercise of delegated legislative authority if it regulates a matter directly within the class of powers and duties identified in the statute to be implemented. In applying this test, the court found that delegated legislative authority was to identify geographic areas that require greater environmental protection and to impose more restrictive permitting requirements in those areas. The challenged rules fell within the class of powers delegated by the statute and therefore were a valid exercise of delegated legislative authority.

The 1999 Legislature amended the APA to provide that an agency may adopt only rules that implement or interpret "specific powers and duties" granted by statute. Chapter 99-370, Laws of Florida, clarified the rulemaking standard to reflect the legislature's intent to limit the authority of agencies to adopt rules. The 1999 revision rejected the judicial interpretation in the *Consolidated-Tomoka* case which created a functional test to determine whether a challenged agency rule is directly within the agency's class of powers and duties. The Legislature again recognized that revising the standard to determine the validity of rules might invalidate rules which had been adopted or reviewed under a different interpretation of the 1996 standard. Consequently, Ch. 99-370, L.O.F., provided for another round of rule review and authorization. Agencies reviewed existing rules and provided in October 1999, to the JAPC, a list of rules adopted before June 18, 1999, which exceed the new standards for rulemaking authority found in s. 120.536(1), F.S. During the 2000 Regular Session the Legislature considered specific legislation that would authorize the identified rules. For any rule not authorized, the agency is to initiate repeal proceedings by January 1, 2001. The JAPC or any substantially affected person may petition for repeal of an identified rule after July 1, 2001.

RULES IDENTIFIED BY THE STATE UNIVERSITY SYSTEM

The State University System (SUS) submitted a report listing over 200 rules, or portions thereof, that the SUS has determined require additional statutory authority. The rules identified by the State University System can be categorized under the following general topics:

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

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

(3) Students: SUS -- Rule 6C-6.0103, Student Government Associations; 6C-6.011, Institutional Responsibility for Student Life and Student Organizations. **UF** -- 6C1-4.002, Student Government Constitution; 6C1-4.003, Student Organizations; 6C1-4.004, Social Fraternities and Sororities; 6C1-4.006, Commercial Activity -- Selling of Merchandise, Activities Involving Off-Campus Vendors; 6C1-4.009, The University of Florida Career Resource Center; 6C1-4.010, Employee Registration; 6C1-4.012, Grievance Procedure; 6C1-4.0163, Victim Services on Campus; 6C1-4.035, Health and Accident Insurance Requirements for Foreign Students; 6C1-5.002, Student Immunizations. **FSU** -- Rule 6C2-3.001, Student Governance; 6C2-3.0015, Student Organization and Activities. **USF** -- Rule 6C4-2.0021, Student Records Policy; 6C4-3.022, Use of University Career Resource Center Facilities and Services; 6C4-6.012, Financial Aid & Student Employment; 6C4-6.0121, Financial Aid Grievances and Administration, Distribution and Use of Institutional Financial Aid Resources; 6C4-6.013, University Residence Halls; 6C4-6.0161, Tampa Campus Student Health Center Services; 6C4-6.0162, International Student Center: Insurance Requirements for International Students; 6C4-6.017, Registration and Conduct of Student Organizations; 6C4-6.028, Student Government Association. **FAU** -- Rule 6C5-4.004, Miscellaneous Student Rules; 6C5-4.007, Student Organizations; 6C5-4.010, Major Medical Insurance Requirements for Foreign Students; 6C5-4.013, Student Financial Aid. **UWF** -- 6C6-

3.011, Student Grievances; 6C6-3.017, Release of Student Educational Records; 6C6-3.022, Student Publications; 6C6-3.023, Student Organizations. **UCF** -- Rule 6C7-5.001, Student Affairs; 6C7-5.0021, Student Government and Organizations. **FIU** -- 6C8-11.003, Access to Student Education Records; 6C8-11.004, Student Health Services; 6C8-3.014, Non-academic Suspensions; 6C8-3.016, Student Organizations; 6C8-3.018, Financial Aid; 6C8-4.009, Student Employment. **FGCU** -- 6C10-4.001, Student Rights and Responsibilities; 6C10-4.005, Student Activities.

(4) Fees: **SUS** -- Rule 6C-7.002(3), University Use of Fee (2nd sentence); 6C-7.002(9), Procedure for Refund of Fee; 6C-7.003(1), Audit Registration; 6C-7.003(2), Registration for Zero Hours; 6C-7.003(3), Application Fee; 6C-7.003(4), Late Registration Fee; 6C-7.003(5), Late Payment Fee; 6C-7.003(6), Miscellaneous Services -- at cost; 6C-7.003(9), Public Interest Research Group; 6C-7.003(11), Library Fines; 6C-7.003(12), Overdue Reserve Library Book; 6C-7.003(13), Late Equipment Fee; 6C-7.003(14), ID card; 6C-7.003(15), Duplicating/Photo Copying Fee; 6C-7.003(16), Standardized Tests; 6C-7.003(17), Binding; 6C-7.003(18), Microfilm; 6C-7.003(19), Copyright Fee; 6C-7.003(20), Breakage and Lost Library Materials; 6C-7.003(21), Lost Keys; 6C-7.003(22), Equipment Damage; 6C-7.003(23), Interlibrary Loans/Literature Searches; 6C-7.003(24), Facilities/Equipment Use; 6C-7.003(25), Orientation; 6C-7.003(26), Admissions Deposit - UF - Dentistry; 6C-7.003(27), Transcript Fee; 6C-7.003(28), Diploma Replacement; 6C-7.003(29), Fees to Cover Costs - Special Circumstances; 6C-7.003(30), Off-campus Costs; 6C-7.003, Material and Supply Fee; 6C-7.003(34), Returned Check Fee; 6C-7.003(35), Collection Costs for Overdue Accounts; 6C-7.003(36), Service Charge on University Loans; 6C-7.003(37), Research Center/Child Development; 6C-7.004, Deferred Payment of Fees; 6C-7.008(1)(a), Waiver, etc.; 6C-7.008(4), Intern Supervisors; 6C-7.008(7) and (8), Provisions for Waiver of Fees. **UF** -- Rule 6C1-3.037, Registration and Student Fees; 6C1-3.0371, Fee Refund. **FSU** -- Rule 6C2-5.081, Tuition, Fees, Payment; 6C2-5.087, Special Appeals. **USF** -- Rule 6C4-3.024, Non-resident Tuition Waivers; 6C4-4.010, Cancellation of Registration for Nonpayment of Tuition and Fees & Returned Checks in Payment of Tuition and Fees. **FAU** -- 6C5-4.011, Payment and Refund of Tuition and Registration Fees. **UWF** -- Rule 6C6-4.002, Waiver of Non-Florida Tuition; Rule 6C6-4.003, Payment of Tuition and Registration Fees; Rule 6C6-4.004, Deferred Payment Status. **UCF** -- Rule 6C7-4.019, Fee Policy Payments; 6C7-4.0191, Installment Fee Payment Plan; 6C7-4.020, Fee Assessment and Refund; 6C7-4.0211, Late Registration, Late Payment Fee Waiver; 6C7-4.025, Waiver of Non-Florida Tuition. **FIU** -- Rule 6C8-6.009, Tuition and Fees. **UNF** -- Rule 6C9-8.001, Payment of Tuition and Registration Fees; 6C9-8.003, Fee Refund/Release of Liability; 6C9-8.005, Deferred Payment of Fees; 6C9-8.007, Waiver of Non-Florida Student Tuition. **FGCU** -- Rule 6C10-7.001, Tuition and Fees.

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

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

(7) Finances: **UF** -- Rule 6C1-3.002, University Financial Services; Rule 6C1-3.0021, Third Party Donors; 6C1-3.0022, Check Cashing and Bill Paying; 6C-7.006, Returned Check Service Charge. **USF** -- Rule 6C4-4.009, Accounts Receivable. **FAU** -- Rule 6C5-6.001, Fiscal Policy; 6C5-6.011, Endowment Trust Fund for Eminent Scholars; 6C5-6.012, Accounts Receivable. **FIU** -- Rule 6C8-6.008, University Endowment Trust Fund for Eminent Scholars.

(8) Property and Facilities: **SUS** -- Rule 6C-9.006, Commercial Solicitation on Campus. **UF** -- 6C1-2.001, Possession and Use of Firearms; 6C-2.0031(3)(c) and (4), Identification Card Program; 6C1-2.005, Use of University Facilities -- Outdoor Areas; 6C1-2.008, Use of University Facilities -- P.K.Yonge Developmental Research School; 6C1-2.012, Use of University Facilities -- Fees for Use and Admissions Charges; 6C1-2.016, Public Functions Policy-- Use of Campus Lands, Camping; 6C1-2.0161, Banner Policy; 6C1-2.019, Alcoholic Beverages; 6C1-2.020, Food Service on Campus; 6C1-3.041, Animals Not Allowed in Buildings; 6C1-6.016, IFAS -- Visitation to or Use of Certain Facilities. **FSU** -- Rule 6C2-2.005, Custody and Care of University Property; 6C2-2.006, Release from Accountability for University Property; 6C2-2.0061, Procedures for Administration of Surplus Property Program; 6C2-2.007, Use of Campus Facilities; 6C2-2.013, Commercial Solicitations; 6C2-2.014, Identification Cards; 6C2-2.017, Control of Tax-Free Alcohol. **USF** -- Rule 6C4-11.004, Newspaper Racks on Campus; 6C4-4.0022, Canines on Campus; 6C4-6.018, Use of USF Riverfront Park; 6C4-6.020, Use of University Center and Special Events Center Facilities & Equipment; 6C4-6.026, Distribution of Material and Solicitations on Campus. **FAU** -- Rule 6C5-6.005, Use of University Property and Facilities; 6C5-7.008, Trespass and Loitering. **UWF** -- Rule 6C6-2.005, Use of Facilities; 6C-3.013, Pamphlets and Petitions; 6C6-3.014, Freedoms of Speech and Assembly; 6C6-3.021, Alcoholic Beverages. **UCF** -- Rule 6C7-4.007, Property Control; 6C7-4.008, Razing of Buildings; 6C7-4.009, Naming of Buildings; 6C7-4.010, Solicitation on Campus; 6C7-4.029, Use of University Buildings and Grounds; 6C7-4.0291, Charges and Applications for the Use of UCF Buildings and Grounds; 6C7-4.0292, Potentially Hazardous Events; 6C7-4.0293, Free Speech Area; 6C7-4.030, Boating on University Lakes; 6C7-4.031, Assignment and Use of University Vehicles; 6C7-4.032, Utilization of Teaching Gymnasium and Related Facilities; 6C7-4.038, Possession of Firearms on University Property; 6C7-6.009, Smoking in University Buildings. **FIU** -- Rule 6C8-11.005, Alcoholic Beverages; 6C8-5.003, Bulletin Boards; 6C8-5.008, Demonstrations; 6C8-5.009, Use of University Facilities; 6C8-6.004, Commercial Solicitation and Advertising on Campus; 6C8-6.005, Registration of Non-Student Organizations. **UNF** -- Rule 6C9-7.002, Use of Area and Facilities; 6C9-7.003, Responsibilities and Definitions of Sponsoring Organizations; 6C9-7.004, Reservation Conditions and Agreements; 6C9-7.005, Facilities Use Charge Guidelines; 6C9-7.006, Facility Administrators; 6C9-7.007, Events Not Involving Off-Campus Speakers; 6C9-7.008, Events Involving Off-Campus Speakers; 6C9-7.009, Alcoholic Beverages; 6C9-7.101, Soliciting and Fund Raising; 6C9-7.011, Fees and Admission Charges; 6C9-7.013, Use of Facilities for Private Practice or Consulting; 6C9-7.014, Campus Demonstrations; 6C9-7.015, Distribution of Printed Material; 6C9-

7.016, Possession and Use of Firearms; 6C9-7.017, Use of University Space for Class or Class Related Activities and Other Events; 6C9-7.019, Use of Computing Laboratory Space; 6C9-7.020, Aquatics Facility Use Policy. **FGCU** -- Rule 6C10-9.001, Use of University Facilities; 6C10-9.002, Use of Alcoholic Beverages on University Premises; 6C10-9.003, Animal Control; 6C10-9.004, Freedom of Speech and Assembly; 6C10-9.005, Possession of Firearms and Weapons on University Property; 6C10-9.006, Solicitation on Campus; 6C10-9.007, Smoking and Consumption of Food in University Buildings.

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

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

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

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

The State University System proposed statutory changes to correct the identified deficiencies. The proposed changes were reviewed by legislative staff and other parties and offered as a committee bill by the House of Representatives Committee on Colleges and Universities.

OUT-OF-STATE TUITION

The provisions of s. 240.209, F.S., set forth the powers and duties of the Board of Regents (BOR). Paragraph (e) of s. 240.209(3), F.S., directs the BOR to establish student fees and provides that the sum of nonresident student matriculation and tuition fees must be sufficient to defray the full cost of undergraduate education. Graduate, medical, veterinary, and dental fees charged to nonresidents may be increased by the BOR in the same percentage as the increase in fees for nonresident undergraduates.

Section 228.041(33), F.S., defines "tuition" as "The additional fee for instruction provided by a public postsecondary educational institution in this state, which fee is charged to a non-Florida student as defined in rules of the State Board of Education, the State Board of Community Colleges, or the Board of Regents." According to information provided by the BOR, the fee schedule adopted by the BOR for 1999-2000 sets undergraduate tuition at \$221.86 per credit hour, graduate tuition at \$343.56 per credit hour, and law school tuition at \$357.85 per credit hour. Tuition for medical, dental, and veterinary medicine students are block fees rather than per credit hour and were set at \$17,651.04, \$15,348.72, and \$12,892.94, respectively for the same period.

ACADEMIC STANDARDS FOR UNDERGRADUATE ADMISSION TO A STATE UNIVERSITY

Minimum academic standards for undergraduate admission to a university, as set forth in s. 240.233, F.S., require that each student must have a high school diploma or the equivalent (except as otherwise provided by law) and that each student must have earned two sequential credits of foreign language at the secondary level or the equivalent of such instruction at the postsecondary level. An exception to the foreign language requirement is provided for no more than five percent of the total number of freshmen who entered the State University System the prior year. Any lower division student admitted without meeting the foreign language requirement must earn such credits prior to admission to the upper division of a state university. Any associate in arts degree graduate from a public community college or university in Florida, or other upper-division transfer student, admitted without meeting the foreign language requirement must earn such credits prior to graduation from a state university.

Section 240.233(3), F.S., directs the BOR to develop procedures for weighting courses which are necessary to meet the requirements of a college-preparatory curriculum at a higher value than less rigorous courses. Credits received in such courses must be given greater value in determining admission by universities than cumulative grade point averages in high school.

C. EFFECT OF PROPOSED CHANGES:

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

This act authorizes the Board of Regents to implement individual university plans for a differential out-of-state tuition fee for universities that have a service area that borders another state.

This act also amends minimum statutory requirements relating to undergraduate admission to a state university to provide for successful completion of a college-prep curriculum, to require submission of either an SAT or ACT test score, and to provide guidelines regarding electives.

D. SECTION-BY-SECTION ANALYSIS:

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

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

Authorizes the BOR to implement individual university plans for a differential out-of-state tuition for universities that have a service area that borders another state.

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

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

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

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

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

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

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

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

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

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

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

Amends minimum academic standards for undergraduate admission to provide for successful completion of a 19-credit college-preparatory curriculum, require submission of either an SAT or ACT test score, and provide guidelines regarding electives.

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

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

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

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

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

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

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

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

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

2. Expenditures:

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

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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

D. FISCAL COMMENTS:

None.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

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

B. REDUCTION OF REVENUE RAISING AUTHORITY:

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

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

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

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

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

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Governmental Rules and Regulations amended HB 1567 at its March 23, 2000 meeting to correct a cross reference in section one (page 8, line 27) of the bill. The bill, as amended, was made into a committee substitute.

The Committee on Education Appropriations amended Section 4 of CS/HB 1567 on April 11, 2000 to stipulate that university admission requirements could not limit Florida high school students from taking certain elective courses within the curriculum required for high school graduation. The bill, as amended, was adopted as a committee substitute for CS/HB 1567.

STORAGE NAME: h1567s2z.cu

DATE: July 10, 2000

PAGE 12

On May 2, 2000, the Senate amended CS/CS/HB 1567 to revise provisions relating to undergraduate admissions and to provide for differential out-of-state tuition under certain circumstances. On May 5, 2000, the House of Representatives concurred with the Senate amendments and passed CS/CS/HB 1567 as amended. CS/CS/HB 1567, 3RD ENG became law on June 5, 2000 (see ch. 2000-215, L.O.F).

VII. SIGNATURES:

COMMITTEE ON Colleges & Universities:

Prepared by:

Staff Director:

Betty H. Tilton, Ph.D.

Betty H. Tilton, Ph.D.

AS REVISED BY THE COMMITTEE ON GOVERNMENTAL RULES AND REGULATIONS:

Prepared by:

Staff Director:

David M. Greenbaum

David M. Greenbaum

AS FURTHER REVISED BY THE COMMITTEE ON EDUCATION APPROPRIATIONS:

Prepared by:

Staff Director:

John Newman

John Newman

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON Colleges & Universities:

Prepared by:

Staff Director:

Betty H. Tilton, Ph.D.

Betty H. Tilton, Ph.D.