

By Senator Constantine

22-2598-03

1 A bill to be entitled
2 An act relating to state universities; creating
3 s. 1001.70, F.S.; establishing the Board of
4 Governors; providing membership and terms of
5 office; amending s. 1001.71, F.S.; revising
6 membership of university boards of trustees and
7 terms of office; amending s. 1009.24, F.S.;
8 authorizing a nonrefundable admissions deposit;
9 creating 1012.975, F.S.; defining the terms
10 "cash-equivalent compensation," "public funds,"
11 and "remuneration"; limiting the annual
12 remuneration of a state university president to
13 \$225,000 from public funds; providing certain
14 limitations on benefits for state university
15 presidents under the Florida Retirement System;
16 authorizing a party to provide cash or
17 cash-equivalent compensation in excess of
18 annual limit from nonpublic funds; eliminating
19 any state obligation to provide cash or
20 cash-equivalent compensation for state
21 university presidents under certain
22 circumstances; providing for construction of
23 the act in pari materia with laws enacted
24 during the Regular Session of the Legislature;
25 providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. Section 1001.70, Florida Statutes, is
30 created to read:

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1 1001.70 Board of Governors.--Pursuant to s. 7(d), Art.
2 IX of the State Constitution, the Board of Governors is
3 established as a body corporate comprised of 17 members as
4 follows: 14 citizen members appointed by the Governor subject
5 to confirmation by the Senate; the Commissioner of Education;
6 the chair of the advisory council of faculty senates or the
7 equivalent; and the president of the Florida student
8 association or the equivalent. The appointed members shall
9 serve staggered 7-year terms. In order to achieve staggered
10 terms, beginning July 1, 2003, of the initial appointments, 4
11 members shall serve 2-year terms, 5 members shall serve 3-year
12 terms, and 5 members shall serve 7-year terms.

13 Section 2. Section 1001.71, Florida Statutes, is
14 amended to read:

15 1001.71 University boards of trustees; membership.--

16 (1) Pursuant to s. 7(c), Art. IX of the State
17 Constitution, each local constituent university shall be
18 administered by a university board of trustees comprised of 13
19 members as follows: 6 citizen members appointed by the
20 Governor subject to confirmation by the Senate; 5 citizen
21 members appointed by the Board of Governors subject to
22 confirmation by the Senate; the chair of the faculty senate or
23 the equivalent; and the president of the student body of the
24 university. The appointed members shall serve staggered 5-year
25 terms. In order to achieve staggered terms, beginning July 1,
26 2003, of the initial appointments by the Governor, 2 members
27 shall serve 2-year terms, 3 members shall serve 3-year terms,
28 and 1 member shall serve a 5-year term and of the initial
29 appointments by the Board of Governors, 2 members shall serve
30 2-year terms, 2 members shall serve 3-year terms, and 1 member
31 shall serve a 5-year term.~~University boards of trustees shall~~

1 ~~be comprised of 12 members appointed by the Governor and~~
2 ~~confirmed by the Senate in the regular legislative session~~
3 ~~immediately following his or her appointment. In addition, the~~
4 ~~student body president elected on the main campus of the~~
5 ~~university pursuant to s. 1004.26 shall serve ex officio as a~~
6 ~~voting member of his or her university board of trustees.~~
7 There shall be no state residency requirement for university
8 board members, but the Governor and the Board of Governors
9 shall consider diversity and regional representation.

10 (2) Members of the boards of trustees shall receive no
11 compensation but may be reimbursed for travel and per diem
12 expenses as provided in s. 112.061.

13 ~~(3) The Governor may remove a trustee upon the~~
14 ~~recommendation of the State Board of Education, or for cause.~~

15 ~~(4) Boards of trustees' members shall be appointed for~~
16 ~~staggered 4-year terms, and may be reappointed for additional~~
17 ~~terms not to exceed 8 years of service.~~

18 ~~(3)(5)~~ Each board of trustees shall select its chair
19 and vice chair from the appointed members at its first regular
20 meeting after July 1. The chair shall serve for 2 years and
21 may be reselected for one additional consecutive term. The
22 duties of the chair shall include presiding at all meetings of
23 the board of trustees, calling special meetings of the board
24 of trustees, and attesting to actions of the board of
25 trustees, ~~and notifying the Governor in writing whenever a~~
26 ~~board member fails to attend three consecutive regular board~~
27 ~~meetings in any fiscal year, which failure may be grounds for~~
28 ~~removal.~~ The duty of the vice chair is to act as chair during
29 the absence or disability of the chair.

30 ~~(4)(6)~~ The university president shall serve as
31 executive officer and corporate secretary of the board of

1 trustees and shall be responsible to the board of trustees for
2 all operations of the university and for setting the agenda
3 for meetings of the board of trustees in consultation with the
4 chair.

5 Section 3. Subsection (13) of section 1009.24, Florida
6 Statutes, amended to read:

7 1009.24 State university student fees.--

8 (13) Each university board of trustees is authorized
9 to establish a nonrefundable admissions deposit for
10 undergraduate, graduate, and professional degree programs in
11 an amount not to exceed \$200. The admissions deposit shall be
12 imposed at the time of an applicant's acceptance to the
13 university and shall be applied toward tuition upon
14 enrollment. In the event the applicant does not enroll in the
15 university, the admissions deposit shall be deposited in an
16 auxiliary account of the university and used to expand
17 financial assistance, scholarships, and student academic and
18 career counseling services at the university. A university
19 board of trustees that establishes an admissions deposit
20 pursuant to this subsection must also adopt policies that
21 provide for the waiver of such deposit on the basis of
22 financial hardship.~~The board of trustees of the University of~~
23 ~~Florida is authorized to establish an admissions deposit fee~~
24 ~~for the University of Florida College of Dentistry in an~~
25 ~~amount not to exceed \$200.~~

26 Section 4. Section 1012.975, Florida Statutes, is
27 created to read:

28 1012.975 Remuneration of state university presidents;
29 limitations.--

30 (1) DEFINITIONS.--As used in this section, the term:
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1 (a) "Cash-equivalent compensation" means any benefit
2 that may be assigned an equivalent cash value.

3 (b) "Public funds" means funds appropriated from the
4 General Revenue Fund, funds appropriated from state trust
5 funds, tuition and fees, or any funds from a state university
6 trust fund regardless of repository.

7 (c) "Remuneration" means salary, bonuses, and
8 cash-equivalent compensation paid to a state university
9 president by his or her employer for work performed, excluding
10 health insurance benefits and retirement benefits.

11 (2) LIMITATION ON COMPENSATION.--Notwithstanding any
12 other law, resolution, or rule to the contrary, a state
13 university president may not receive more than \$225,000 in
14 remuneration annually from public funds. Only compensation, as
15 such term is defined in s. 121.021(22), provided to a state
16 university president may be used in calculating benefits under
17 chapter 121.

18 (3) EXCEPTIONS.--This section does not prohibit any
19 party from providing cash or cash-equivalent compensation from
20 funds that are not public funds to a state university
21 president in excess of the limit in subsection (2). If a party
22 is unable or unwilling to fulfill an obligation to provide
23 cash or cash-equivalent compensation to a state university
24 president as permitted under this subsection, public funds may
25 not be used to fulfill such obligation.

26 Section 5. If any law that is amended by this act was
27 also amended by a law enacted at the 2003 Regular Session of
28 the Legislature, such laws shall be construed as if they had
29 been enacted during the same session of the Legislature, and
30 full effect should be given to each if that is possible.

31 Section 6. This act shall take effect July 1, 2003.

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SENATE SUMMARY

Establishes the Board of Governors, its membership, and terms of office. Revises membership of university boards of trustees and terms of office. Authorizes a nonrefundable admissions deposit by the board of trustees. Limits the annual remuneration of a state university president relative to public funds. Permits a party to provide cash or cash-equivalent compensation in excess of annual limit from nonpublic funds. Eliminates any state obligation to provide cash or cash-equivalent compensation for state university presidents under certain circumstances.