

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/CS/SB 266

INTRODUCER: Fiscal Policy Committee; Appropriations Committee on Education; Education Postsecondary Committee; and Senator Grall

SUBJECT: Higher Education

DATE: April 21, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bouck</u>	<u>Bouck</u>	<u>HE</u>	<u>Fav/CS</u>
2.	<u>Gray</u>	<u>Elwell</u>	<u>AED</u>	<u>Fav/CS</u>
3.	<u>Bouck</u>	<u>Yeatman</u>	<u>FP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 266 includes a number of provisions intended to focus state university administrative and curricular activities on education that benefits students and the state. Specifically, the bill:

- Requires the Board of Governors (BOG) of the State University System to:
 - Include in the alignment of university missions, and in its strategic plan, economic development needs of the state and nondegree credential attainment, respectively.
 - Provide a directive for universities regarding their programs for any violations of state law regarding discrimination and those based on specified theories.
- Modifies personnel policies at each university by:
 - Assigning hiring authority to the president, who may delegate authority to the executive team or individual deans.
 - Prohibiting a pledge or oath in the admissions or personnel process except those to state or federal law, or the State or United States Constitution.
 - Specifying that the faculty grievance process terminates with the university president.
 - Requiring the university president to present to the university board of trustees evaluations and salaries for personnel earning over \$200,000.
- Provides additional restrictions on public education institution spending, to include diversity, equity, and inclusion and social and political activism, with exceptions for students organizations, compliance with law, accreditation, and access programs.

- Adds to the preeminent state research universities program a metric regarding STEM-related research, and revises the number of standards an institution must meet to earn a designation.
- Modifies the general education program to:
 - Require a periodic review of general education core courses.
 - Specify standards for general education core course.
 - Require the Articulation Coordinating Committee to submit to the state-level governing boards for approval institution-approved general education course.
- Creates the Institute for Risk Management and Insurance Education, and modifies the purpose, goals, or authorized activities of the Hamilton Center for Classical and Civic Education, Florida Institute of Politics, and the Adam Smith Center for the Study of Economic Freedom.
- Specifies that a required change in accreditation for public postsecondary institutions is a one-time-only change, and prohibits an accrediting agency from compelling an institution to violate state law.
- Modifies the “buy one, get one free” tuition waiver program to include up to two state-approved teacher preparation programs, and specifies that students may not lose the tuition waiver if the program is removed from the approved list after enrollment.

The bill takes effect on July 1, 2023.

II. Present Situation:

The Present Situation is included in the Effect of Proposed Changes section of the analysis.

III. Effect of Proposed Changes:

Board of Governors

Present Situation

Powers and Duties

The State University System (SUS) is composed of 12 public universities. The Board of Governors (BOG) is responsible to operate, regulate, control, and be fully responsible for the management of the whole SUS. Fourteen of the 17 members of the BOG are appointed by the Governor and confirmed by the Senate.¹

For each constituent university, the BOG, is responsible for cost-effective policy decisions appropriate to the university’s mission, the implementation and maintenance of high-quality education programs within law, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.² The BOG is, among other duties, responsible for defining the distinctive mission of each constituent university, accounting for expenditures, adopting a strategic plan for the university system and each university, and taking action on proposed or current degree programs.³

¹ FLA. CONST., art. IX, s. 7.

² Section 1001.706(1), F.S.

³ Section 1001.705(2), F.S.

Tenure Review

The BOG may adopt a regulation requiring each tenured state university faculty member to undergo a comprehensive post-tenure review every 5 years. The board may include other considerations in the regulation, but the regulation must address:

- Accomplishments and productivity;
- Assigned duties in research, teaching, and service;
- Performance metrics, evaluations, and ratings; and
- Recognition and compensation considerations, as well as improvement plans and consequences for underperformance.⁴

On March 29, 2023, the BOG approved its regulation requiring each university BOT to adopt policies regarding a post-tenure faculty review.⁵

According to Integrated Postsecondary Education Data System, in Fall 2021, there were 12,435 individuals with faculty status at Florida public universities, of those, 5,652 are tenured, 2,058 are on a tenure track, and 4,725 are not on a tenure track or are at an institution without a tenure system.⁶ Florida Gulf Coast University and Florida Polytechnic University do not have a tenure system.

Effect of Proposed Changes

Powers and Duties

The bill modifies s. 1001.706, F.S., to require the BOG, in its alignment of the mission of state universities to specified goals, include the existing and emerging economic development needs of the state. Similarly, the bill requires the BOG to include in its strategic plan criteria and metrics for non-degree credentials.

Tenure Review

The bill modifies s. 1001.706, F.S., to require, rather than authorize, the BOG to adopt a regulation requiring each tenured state university faculty member to undergo a comprehensive post-tenure review every 5 years.

Personnel

Present Situation

University Board of Trustees

Each local constituent university is administered by a board of trustees (BOT) composed of 6 citizen members appointed by the Governor and 5 citizen members appointed by the Board of Governors (BOG), all confirmed by the Senate.⁷ The BOG establishes the powers and duties of

⁴ Section 1001.706(6)(b), F.S.

⁵ Board of Governors Regulation 10.003.

⁶ Integrated Postsecondary Education Data System. Statistical Tables: Fall 2021; (Report on file with Senate Committee on Education).

⁷ FLA. CONST., art. IX, s. 7(c).

the BOT. The university president serves as the chief executive officer to the board of trustees and is responsible to the board of trustees for all operations of the university.⁸

Responsibilities of a university BOT include:

- Administration of the university in a manner that is dedicated to, and consistent with the university's and system's mission.
- Preparing a workplan to outline strategic directions and specific actions, and performance expectations and outcomes for institutional and systemwide goals.
- Adopting university regulations regarding degree programs, access, academic performance standards, student activities, and student code of conduct.
- Establishing a personnel program for all employees of the university.
- The financial management of the university.
- Compliance with all applicable laws, rules, regulations, and requirements.⁹

Each board of trustees establishes the powers and duties of the university president. The university president serves as the chief executive officer to the BOT and is responsible to the board of trustees for all operations of the university.¹⁰

Pledges and Oaths

Nearly one in five professors are now being selected based on not only academic merit but also their commitment to a particular ideological vision.¹¹ In a 2020 survey, most college students believe efforts at diversity and inclusion “frequently” (27%) or “occasionally” (49%) come into conflict with free speech rights.¹²

At the University of North Carolina, the BOT recently approved a change to its policy regarding political activities, to read:

[T]he University shall neither solicit nor require an employee or applicant for academic admission or employment to affirmatively ascribe to or opine about beliefs, affiliations, ideals, or principles regarding matters of contemporary political debate or social action as a condition to admission, employment, or professional advancement. Nor shall any employee or applicant be solicited or required to describe his or her actions in support of, or in opposition to, such beliefs, affiliations, ideals, or principles. Practices prohibited here include but are not limited to solicitations or requirements for statements of commitment to particular views on matters of contemporary political debate or social

⁸ Board of Governors Regulation 1.001.

⁹ *Id.*

¹⁰ Board of Governors Regulation 1.001(2).

¹¹ American Enterprise Institute, *Other Than Merit: The Prevalence of Diversity, Equity, and Inclusion Statements in University Hiring* (Nov. 2021) available at <https://www.aei.org/wp-content/uploads/2021/11/Other-than-merit-The-prevalence-of-diversity-equity-and-inclusion-statements-in-university-hiring.pdf?x91208>, at 10.

¹² Knight Foundation, *The First Amendment on Campus 2020 Report: College Students' Views of Free Expression* (2020) available at <https://knightfoundation.org/wp-content/uploads/2020/05/First-Amendment-on-Campus-2020.pdf>, at 1.

action contained on applications or qualifications for admission or employment or included as criteria for analysis of an employee's career progression.¹³

The U.S. Supreme Court (Court) has repeatedly held that the right to free speech protected by the first amendment to the constitution protects an individual from being compelled to speak. "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein."¹⁴ Stated even more plainly, the Court has held that free speech principles prohibit the government from telling people what they must say.¹⁵ Additionally, an individual is also protected from being compelled to host or accommodate the speech of another.¹⁶

The Court has consistently struck down mandatory political loyalty oaths, particularly in the education setting.¹⁷ The Court established a four-part test for reviewing the constitutionality of such oaths, requiring that:

- The oath may not infringe on First or Fourteenth Amendment rights;
- Employment may not be conditioned on an oath that one has not engaged in, or will not engage in, protected speech activities;
- Employment may not be conditioned on an oath denying past or avoiding future associational activities protected by the Constitution; and
- The oath may not be so vague that a person of ordinary intelligence must guess at its meaning.¹⁸

Grievance Procedures

Each public employer and bargaining agent is required to negotiate a grievance procedure to be used for the settlement of disputes between employer and employee, or group of employees, involving the interpretation or application of a collective bargaining agreement. The grievance procedure must have as its terminal step a final and binding disposition by an impartial neutral, mutually selected by the parties. If an employee organization is certified as the bargaining agent of a unit, the grievance procedure then in existence may be the subject of collective bargaining, and any agreement which is reached shall supersede the previously existing procedure. All public employees shall have the right to a fair and equitable grievance procedure administered without regard to membership or nonmembership in any organization.¹⁹

¹³ University of North Carolina, *UNC Policy Manual 300.5.1, Political Activities of Employees*, <https://www.northcarolina.edu/apps/policy/doc.php?id=125> (last visited Apr. 13, 2023).

¹⁴ *West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 642 (1943).

¹⁵ *Rumsfeld v. Forum for Academic and Institutional Rights*, 547 U.S. 47, 61 (2006).

¹⁶ *See Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston, Inc.*, 515 U.S. 557 (1995) (state law cannot require a parade to include a group whose message the parade's organizer does not wish to send) and *Miami Herald Publishing Co. v. Tornillo*, 418 U.S. 241 (1974) (right-of-reply statute violates editors' right to determine the content of their newspapers).

¹⁷ *See, e.g., Baggett v. Bullitt*, 377 U.S. 360 (1964); *Elfbrandt v. Russell*, 384 U.S. 11 (1966); and *Keyishian v. Board of Regents*, 385 U.S. 589 (1967).

¹⁸ *Cole v. Richardson*, 405 U.S. 676 (1972).

¹⁹ Section 447.401, F.S.

Effect of Proposed Changes

Hiring and Personnel Authority

The bill creates s. 1001.741, F.S., to assign final authority for hiring the provost, deans, and full-time faculty to the president of the university. The president may delegate hiring authority to individuals on the university's executive management team, to the provost, or to individual deans; however, the bill specifies that the president or the person delegated hiring authority is not bound by the recommendations or opinions of faculty or other individuals.

The bill specifies that the president has an ongoing duty to assess the performance, productivity, and employment practices of the university's provost and deans. The president of the university is encouraged to engage in faculty recruiting as appropriate, and shall provide a regular report and recommendations on employment practices to the university board of trustees at least twice annually.

The bill requires each state university board of trustees to have procedures for the review of the president's selection and reappointment of each member of the university's executive management team, and his or her respective contract and annual salary, before such contracts and salaries become effective, in accordance with the personnel program established by the BOG.

Finally, the bill requires each university president to annually present to his or her board of trustees for review the results of performance evaluations and associated salaries of all evaluated personnel earning an annual compensation of \$200,000 or more, regardless of fund source.

Pledges and Oaths

The bill prohibits a state university from requiring any statement, pledge, or oath other than to uphold general and federal law, the United States Constitution, and the State Constitution as a part of any admissions, hiring, employment, promotion, tenure, disciplinary, or evaluation process.

Grievance Procedures

The bill replaces the requirement in law regarding grievance procedures to specify that personnel actions or decisions regarding faculty, including in the areas of evaluations, promotions, tenure, discipline, or termination, may not be appealed beyond the level of a university president or designee. Such actions or decisions must have as their terminal step a final agency disposition, which must be issued in writing to the faculty member, and are not subject to arbitration. The filing of a grievance does not pause or delay the action or decision of the university, including the termination of pay and benefits of a suspended or terminated faculty member.

Diversity, Equity, and Inclusion

Present Situation

A position statement by the Southern Association of Colleges and Schools (SACS) describes the benefits of diversity, equity, and inclusion policies in postsecondary institutions.

By creating and sustaining an equitable and inclusive institutional culture, colleges and universities can foster a community in which all members can be respected and appreciated for their differences, and in which all learners can be engaged to reach their full potential. Promoting diversity, equity and inclusion is an opportunity for institutions to recruit students of all backgrounds, identities, and abilities; to support them, adapt teaching methods and use technology to meet their needs and break down barriers to learning; and to successfully guide, mentor, retain, and graduate them.²⁰

A statement by the presidents of the Florida College System (FCS) echoes the SACS statement in its description of DEI as a tool “to increase diversity of thought as well as the enrollment and the success of underrepresented populations.” However, this statement also warns that DEI “initiatives and instruction in higher education under the same title have come to mean and accomplish the very opposite and seek to push ideologies such as critical race theory and its related tenets.” The statement continues:

To be clear in this environment, the FCS presidents, by and through the FCS Council of Presidents, will ensure that all initiatives, instruction, and activities do not promote any ideology that suppresses intellectual and academic freedom, freedom of expression, viewpoint diversity, and the pursuit of truth in teaching and learning. As such, our institutions will not fund or support any institutional practice, policy, or academic requirement that compels belief in critical race theory or related concepts such as intersectionality, or the idea that systems of oppression should be the primary lens through which teaching and learning are analyzed and/or improved upon.

Specifically, by February 1, 2023, the FCS presidents commit to having fully evaluated and removed any institutional instruction, training, and policies opposed to the forms of discrimination described in this statement.²¹

On December 28, 2022, the Executive Office of the Governor directed the colleges and universities to provide a comprehensive list of all staff, programs and campus activities related to diversity, equity and inclusion and critical race theory. The list must include costs associated with the administration of each program or activity, including a description of the activities, paid positions and how much of the money is provided by the state. The results of the survey for the State University System indicated that state universities spend approximately \$34.5 million on such activities, with about \$20.7 million from state funds.²²

Critical Theory is a philosophical and social theory originating from several generations of German philosophers and social theorists in the Western European Marxist tradition known as the Frankfurt School. It involves an examination of social structures to seek “human

²⁰ Southern Association of Colleges and Schools, Commission on Colleges, *Diversity, Equity and Inclusion* (Dec. 2020), available at <https://sacscoc.org/app/uploads/2019/08/DiversityStatement.pdf>.

²¹ Florida College System, *Florida College System Presidents Statement on Diversity, Equity, Inclusion and Critical Race Theory* (Jan. 18, 2023), available at <https://www.fldoe.org/core/fileparse.php/5673/urlt/FCSDEIstatement.pdf>.

²² Executive Office of the Governor, Memorandum # 23-021, *Higher Education Program and Activity Survey* (Dec. 28, 2022).

emancipation” in circumstances of domination and oppression.²³ Critical theorists maintain that a primary goal of philosophy is to understand and to help overcome the social structures through which people are dominated and oppressed.²⁴ Examples of Critical Theory are feminist theory, critical race theory, postcolonial theory, and Marxist theory.

Florida Educational Equity Act

The “Florida Educational Equity Act” (FEEA) prohibits discrimination in any program or employment condition on the basis of race, color, national origin, sex, disability, religion, or marital status against a student or an employee in the state system of public K-20 education.

The FEEA specifies, in part, that:

- No individual may, on the basis of race, color, national origin, sex, disability, religion, or marital status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any public K-20 education program or activity, or in any employment conditions or practices, conducted by a public educational institution that receives or benefits from federal or state financial assistance.²⁵
- The criteria for admission to a program or course may not have the effect of restricting access by persons of a particular race, color, national origin, sex, disability, religion, or marital status.²⁶

Included in the prohibition on discrimination on the basis of race, color, national origin, or sex is subjecting any student or employee to training or instruction that espouses, promotes, advances, inculcates, or compels such student or employee to believe any of the following concepts:

- Members of one race, color, national origin, or sex are morally superior to members of another race, color, national origin, or sex.
- A person, by virtue of his or her race, color, national origin, or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.
- A person’s moral character or status as either privileged or oppressed is necessarily determined by his or her race, color, national origin, or sex.
- Members of one race, color, national origin, or sex cannot and should not attempt to treat others without respect to race, color, national origin, or sex.
- A person, by virtue of his or her race, color, national origin, or sex, bears responsibility for, or should be discriminated against or receive adverse treatment because of, actions committed in the past by other members of the same race, color, national origin, or sex.
- A person, by virtue of his or her race, color, national origin, or sex, should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion.
- A person, by virtue of his or her race, color, sex, or national origin, bears personal responsibility for and must feel guilt, anguish, or other forms of psychological distress because of actions, in which the person played no part, committed in the past by other members of the same race, color, national origin, or sex.

²³ Stanford Encyclopedia of Philosophy, *Critical Theory*, <https://plato.stanford.edu/entries/critical-theory/> (last visited Apr. 13, 2023).

²⁴ Encyclopedia Britannica, *critical theory*, <https://www.britannica.com/topic/critical-theory> (last visited Apr. 13, 2023).

²⁵ Section 1000.05(2)(a), F.S.

²⁶ Section 1000.05(2)(b), F.S.

- Such virtues as merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are racist or sexist, or were created by members of a particular race, color, national origin, or sex to oppress members of another race, color, national origin, or sex.²⁷

Effect of Proposed Changes

University Mission and Accountability

The bill modifies s. 1001.706, F.S., to require the Board of Governors (BOG) to periodically review the mission of each constituent university and make updates or revisions as needed. Upon completion of a review of the mission, the BOG must review existing academic programs to ensure alignment with the mission. The BOG must include in its review a directive to each constituent university regarding its programs for any violation of the Florida Educational Equity Act in s. 1000.05, F.S., or that are based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities.

Prohibited Expenditures

The bill adds to current spending restrictions in law for memberships or good and services from any organization that discriminates on the basis of race, color, national origin, sex, disability, or religion.²⁸ The bill modifies s. 1004.06, F.S., to specify that an FCS institution, state university, FCS institution direct-support organization,²⁹ or state university direct-support organization may not expend any funds, regardless of source, to promote, support, or maintain any programs or campus activities that:

- Violate s. 1000.05, F.S.; or
- Advocate for diversity, equity, and inclusion, or promote or engage in political or social activism, as defined by rules of the State Board of Education (SBE) and regulations of the BOG.

The bill exempts from prohibited expenditure requirements student fees to support student-led organizations regardless of any speech or expressive activity by such organizations that would otherwise violate the above provisions, but the public funds must be allocated to student-led organizations pursuant to written policies or regulations of each FCS institution or state university, as applicable. The bill also exempts the use of institution facilities by student-led organizations provided that such use must be granted to student-led organizations pursuant to written policies or regulations of each FCS institution or state university, as applicable.

The prohibition on expenditures established in the bill does not prohibit programs, campus activities, or functions required for compliance with general or federal laws or regulations; for obtaining or retaining institutional or discipline-specific accreditation; or for access programs for

²⁷ Section 1000.05(4)(a), F.S. A federal district court has issued a preliminary injunction to prohibit the Board of Governors from enforcing ss. 1000.05(4)(a)-(b), F.S., and to prohibit the University of South Florida Board of Trustees from enforcing ss. 1000.05(4)(a)1.-3., 5., and 7., and s. 1000.05(4)(b), F.S. *See Pernell v. Florida Bd. of Governors of State Univ. Sys.*, No. 4:22CV304-MW-MAF (N.D. Fla. Nov. 17, 2022) (order granting preliminary injunction), *motion to stay injunction pending appeal denied*, No. 22-13992-J (11th Cir. Mar. 16, 2023).

²⁸ Section 1004.06, F.S.

²⁹ Direct-support organizations (DSOs) are statutorily created private entities that are generally required to be non-profit corporations, and are authorized to carry out specific tasks in support of public entities or public causes.

military veterans, Pell Grant recipients, first generation college students, nontraditional students, "2+2" transfer students from the FCS, students from low-income families, or students with unique abilities.

The bill authorizes the SBE and the BOG to adopt rules and regulations to implement these provisions.

Preeminent State Research Universities Program

Present Situation

The Preeminent State Research University program is a collaborative partnership between the Board of Governors (BOG) and the Legislature to elevate the academic and research preeminence of Florida's highest performing state research universities.³⁰ A state research university that meets at least 11 of the 12 academic and research excellence standards specified in law is designated as a preeminent state research university.³¹

The academic and research excellence standards are:

- An average weighted grade point average of 4.0 or higher on a 4.0 scale and an average SAT score of 1200 or higher on a 1600-point scale or an average ACT score of 25 or higher on a 36 score scale, for fall semester incoming freshmen.
- A top-50 ranking on at least two well-known and highly respected national public university rankings using the most recent rankings.
- A freshman retention rate of 90 percent or higher for full-time, first-time-in-college (FTIC) students.
- A 4-year graduation rate of 60 percent or higher for full-time, FTIC students.
- Six or more faculty members at the state university who are members of a national academy.
- Total annual research expenditures, including federal research expenditures, of \$200 million or more.
- Total annual research expenditures in diversified nonmedical sciences of \$150 million or more.
- A top-100 university national ranking for research expenditures in five or more science, technology, engineering, or mathematics fields of study.
- One hundred or more total patents awarded by the United States Patent and Trademark Office for the most recent 3-year period.
- Four hundred or more doctoral degrees awarded annually, including professional doctoral degrees awarded in medical and health care disciplines.
- Two hundred or more postdoctoral appointees annually.
- An endowment of \$500 million or more.³²

A state university that meets at least 6 of the 12 academic and research excellence standards is designated as an "emerging preeminent state research university."³³

³⁰ Section 1001.7065(1), F.S.

³¹ Section 1001.7065(3), F.S.

³² Section 1001.7065(2), F.S.

³³ Section 1001.7065(3)(b), F.S.

In the most recent State University System Accountability Plan, Florida State University, the University of Florida, and the University of South Florida are designated as preeminent state research universities. Florida International University and the University of Central Florida are designated as emerging preeminent state research universities.³⁴

Effect of Proposed Changes

The bill amends s. 1001.7065, F.S. to add another criteria to the academic and research excellence standards for designation as a preeminent or emerging preeminent state research university. The bills adds the total annual STEM-related research expenditures of \$50 million or more, which includes federal research expenditures.

Accordingly, because the bill increases from 12 to 13 the total number of standards, the bill modifies the total number of standards that an institution must meet to be designated as a preeminent or emerging preeminent state research university. The bill specifies that an institution must meet 12 standards for a preeminence designation, and 7 standards for an emerging preeminent designation.

General Education

Present Situation

Associate in Arts (AA) degrees at a Florida College System (FCS) or state university may be no more than 60 semester hours of college credit and include 36 semester hours of general education course work. A baccalaureate degree must be no more than 120 semester hours of college credit, unless prior approval has been granted by the Board of Governors (BOG) or the State Board of Education (SBE), as applicable, and include 36 semester hours of general education coursework.

General Education Core

Students initially entering an FCS or state university in 2015-2016 and thereafter, are required to complete at least one identified general education core course in each of the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. All public postsecondary educational institutions are required to accept these courses as meeting general education core course requirements. Beginning in 2022-2023, the general education core course requirement is extended to students in an associate in applied science and associate in science degree program.³⁵

General education core course options consist of a maximum of five courses in each identified subject area, but may exceed that limit with SBE or BOG approval. The general education core courses are established in SBE rule³⁶ and BOG regulation³⁷ and include the following courses:

- Communication:

³⁴ Board of Governors, *2022 Accountability Plan, State University System of Florida Summary* (Sept. 14, 2022), available at https://www.flbog.edu/wp-content/uploads/2022/10/2022_SYSTEM_Accountability_Plan_Final.pdf, at 11.

³⁵ Section 1007.25, F.S.

³⁶ Rule 6A-14.0303, F.A.C.

³⁷ Board of Governors Regulation 8.005.

- ENC X101 English Composition I.
- Humanities:
 - ARH X000 Art Appreciation;
 - HUM X020 Introduction to Humanities;
 - LIT X000 Introduction to Literature;
 - MUL X010 Music Literature/Music Appreciation;
 - PHI X010 Introduction to Philosophy; or
 - THE X000 Theatre Appreciation.
- Mathematics for students initially entering in the Fall Term, 2015, through the 2023-24 academic year:
 - MAC X105 College Algebra;
 - MAC X311 Calculus I;
 - MGF X106 Liberal Arts Mathematics I;
 - MGF X107 Liberal Arts Mathematics II; or
 - STA X023 Statistical Methods.
- Mathematics for students initially entering in the 2024-25 academic year and thereafter:
 - MAC X105 College Algebra;
 - MAC X311 Calculus I;
 - MGF X130 Mathematical Thinking; or
 - STA X023 Statistical Methods.
- Natural Sciences:
 - AST X002 Descriptive Astronomy;
 - BSC X005 General Biology;
 - BSC X010 General Biology I;
 - BSC X085 Anatomy and Physiology I;
 - CHM X020 Chemistry for Liberal Studies;
 - CHM X045 General Chemistry I;
 - ESC X000 Introduction to Earth Science;
 - EVR X001 Introduction to Environmental Science;
 - PHY X020 Fundamentals of Physics;
 - PHY X048 General Physics with Calculus; or
 - PHY X053 General Physics I.
- Social Sciences:
 - AMH X020 Introductory Survey Since 1877;
 - ANT X000 Introduction to Anthropology;
 - ECO X013 Principles of Macroeconomics;
 - POS X041 American Government;
 - PSY X012 Introduction to Psychology; or
 - SYG X000 Principles of Sociology.

A student has completed that core subject area if the student completes a communication, mathematics, or natural science course for which the designated course is a prerequisite.³⁸

³⁸ Rule 6A-14.0303, F.A.C. and Board of Governors Regulation 8.005.

Transfer of General Education Courses

Each public postsecondary institution must accept in transfer general education core courses taken at another institution. After completing the general education core course requirements, the remaining courses and credits that fulfill the total 36-hour general education requirement for an associate in arts or baccalaureate degree are at the discretion of the FCS or SUS institution.³⁹

General education programs in Florida, while consistent at the general education core requirements and the total of 36 hours for completion, vary in the selection of institutionally-required courses. Students who transfer with an AA or associate in science (AS) degree, or who have completed their block of 36 general education hours do not have to meet the receiving institution's general education program requirements. If a student does not complete the total 36-hour general education curriculum prior to transfer, each course, outside of courses taken as general education courses, will be reviewed individually to determine if it meets the general education requirements of the new institution.⁴⁰

Articulation Coordinating Committee

The Commissioner of Education, in consultation with the Chancellor of the State University System, establishes the Articulation Coordinating Committee (ACC), whose primary role is to recommend statewide articulation policies. Specifically, the ACC must monitor articulation between education systems, propose guidelines for articulation agreements, publish lists of general education and common prerequisite courses, establish dual enrollment course equivalencies to high school credit, and annually review the Statewide Articulation Agreement.⁴¹ The Office of K-20 Articulation within the Florida Department of Education provides administrative support to the ACC.⁴²

Statewide Course Numbering System

The Florida statewide course numbering system (SCNS) is a taxonomy of courses offered by participating postsecondary institutions in order to improve program planning and communication among all delivery systems, and facilitate student acceleration and the transfer of students and credits between public school districts, public postsecondary educational institutions, and participating nonpublic educational institutions.

Any student who transfers among participating postsecondary educational institutions must be awarded credit by the receiving institution for equivalent courses satisfactorily completed at the previous institution. Courses are considered equivalent if they are judged by the appropriate SCNS faculty committees to be academically equivalent, and are then assigned an equivalent course number. Credits awarded for equivalent courses must satisfy institutional requirements on the same basis as credits awarded to native students.⁴³

³⁹ Florida Board of Governors, *Regulation 8.005 General Education Core Course Options*, available at https://www.flbog.edu/wp-content/uploads/8_005GeneralEducationCore_final.pdf and Rule 6A -14.0303(5), F.A.C.

⁴⁰ Florida Department of Education, *Statewide Postsecondary Articulation Manual* (Jan. 2021), at 15, available at <https://www.fldoe.org/core/fileparse.php/5421/urlt/Statewide-Articulation-Manual.pdf>.

⁴¹ Section 1007.01(3), F.S.

⁴² Section 1007.01(3), F.S.; s. 20.15(3)(h), F.S.

⁴³ Section 1007.24(7), F.S.

All 12 of Florida's state universities, 28 FCS institutions, 38 participating nonpublic postsecondary institutions, and 48 career education centers participate in the SCNS.⁴⁴

Effect of Proposed Changes

General Education Core Course Options

The bill modifies s. 1007.25, F.S., to require revisions to the general education core course options by faculty committees appointed by the SBE and BOG. Faculty committees must, by July 1, 2024, and each four years thereafter, review and recommend to the ACC and the SBE and BOG changes to the core course options.

The bill establishes conditions and standards for the content and identification of courses as general education core, which include the following:

- General education core courses may not distort significant historical events or include a curriculum that teaches identity politics that violates Florida Educational Equity Act, or that are based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities.
- General education core courses must meet the following standards:
 - Communication courses must afford students the ability to communicate effectively, including the ability to write clearly and engage in public speaking.
 - Humanities courses must afford students the ability to think critically through the mastering of subjects concerned with human culture, especially literature, history, art, music, and philosophy, and must include selections from the Western canon.
 - Social science courses must afford students an understanding of the basic social and behavioral science concepts and principles used in the analysis of behavior and past and present social, political, and economic issues.
 - Natural science courses must afford students the ability to critically examine and evaluate the principles of the scientific method, model construction, and use the scientific method to explain natural experiences and phenomena.
 - Mathematics courses must afford students a mastery of foundational mathematical and computation models and methods by applying such models and methods in problem solving.

The bill requires each public postsecondary institution to offer at least one general education core course in each of the identified subject areas, and accept all such courses, whether or not the receiving institution offers that course.

The bill also protects a student who has completed a general education core course from having to take an additional core course in that subject area if the course is later removed from the identified list.

⁴⁴ Florida Department of Education, *Statewide Postsecondary Articulation Manual* (Jan. 2021), at 3, available at <https://www.fldoe.org/core/fileparse.php/5421/urlt/Statewide-Articulation-Manual.pdf>.

General Education Courses

The bill creates s. 1007.55, F.S., to specify general education course principles, standards, and content. The bill asserts that every undergraduate student of a Florida public postsecondary educational institution should graduate as an informed citizen through participation in rigorous general education courses that promote and preserve the constitutional republic through traditional, historically accurate, and high-quality coursework. General education courses should provide broad foundational knowledge to help students develop intellectual skills and habits that enable them to become more effective and lifelong learners. Courses with a curriculum based on unproven, speculative, or exploratory content are best suited as elective or specific program prerequisite credit, not general education credit.

The bill specifies that general education courses must meet the following criteria:

- Meet the course standards as provided in law.
- Whenever applicable, provide instruction on the historical background and philosophical foundations of Western civilization and this nation's historical documents, such as the Declaration of Independence, the United States Constitution, the Bill of Rights and subsequent amendments, and the Federalist Papers.

The bill specifies that public postsecondary educational institution boards of trustees (BOT) and presidents are responsible for annually reviewing and approving, at a public meeting, general education course requirements. The following information must be included for each general education course record on the list for approval by the institution board of trustees (BOT):

- The general education distribution area;
- The number of state universities that offer the course and the number of Florida College System institutions that offer the course; and
- The course level.

Public postsecondary educational institutions must report courses meeting institutional general education subject requirements to the DOE by their statewide course number, which is a current practice of the statewide course numbering system.

The ACC must by December 1, 2024, and each December 1 thereafter, submit to the SBE and the BOG courses that have been approved by public postsecondary educational institutions as meeting general education requirements. The listing of general education courses must include the information in required for the list approved by the institution BOT. The SBE and the BOG must approve or reject the list of general education courses for each FCS institution and state university, respectively.

Public postsecondary educational institutions that fail to comply with the requirements for general education courses are not eligible to receive performance-based funding.

Finally, similar to the general education core courses, the bill specifies that an institution may not require a student who has completed a general education course from having to take an additional core course in that subject area if the course is later removed from the institution's identified list.

Institute for Risk Management & Insurance Education

Present Situation

Risk management and insurance is a major industry in Florida with a concentration in Volusia County. Like many others, the insurance industry is being revolutionized by integration of technology, predictive analytics, and data science, and becoming more complex given its exposure to transformative trends in the economy and the environment.

In Florida, the insurance industry is facing a capacity crisis given the state's population growth, attractiveness to business relocation, and multifaceted economic development. As risk valuations and comprehensive insurance solutions become more complex, the industry's workforce must be well versed in transformative technological, economic, and environmental trends, and develop a holistic set of skills in sales, service, negotiations, finance, economics, data analytics, and systems-level problem solving.

Effect of Proposed Changes

The bill creates the Institute for Risk Management & Insurance Education within the College of Business at the University of Central Florida (UCF). The bill requires that institute be located in Volusia County to best serve the partner industries, which are concentrated in that area. The purpose of the institute is to respond to the ever-evolving insurance and risk management industry and present and emerging needs of the state of Florida and its residents. The bill establishes following goals of the institute:

- Pursue technological innovations that advance risk valuation models and operational efficiencies in the insurance industry.
- Drive the development of workforce competencies in data analytics, system-level thinking, technology integration, entrepreneurship, and actuarial science.
- Leverage UCF's world class assets in data science, artificial intelligence, computer science, engineering, finance, economics, and sales.
- Take advantage of UCF's robust portfolio of academic program offerings and draw on faculty and industry experts in diverse fields, including actuarial science, computer science, economics, engineering, environmental science, finance, forensics, law, management, marketing, and psychology.
- Develop and offer risk management and insurance education, including education that recognizes risks in areas such as the environment, pandemic disease, and digital security.
- Offer programs, workshops, case studies, and applied research studies that integrate technology and artificial intelligence with soft skills while preparing students and professionals for the technology-enabled insurance industry of the future.

Hamilton Center for Classical and Civic Education

Present Situation

The Hamilton Center for Classical and Civic Education at the University of Florida (UF) was created in 2022⁴⁵ to support teaching and research concerning the ideas, traditions, and texts that form the foundations of Western and American civilization.⁴⁶

The goals of the center are to:⁴⁷

- Educate university students in core texts and great debates of Western civilization.
- Educate university students in the principles, ideals, and institutions of the American political order.
- Educate university students in the foundations of responsible leadership and informed citizenship.
- Provide programming and training related to civic education and the values of open inquiry and civil discourse to support the K-20 system.
- Coordinate with the Florida Institute of Politics,⁴⁸ the Adam Smith Center for the Study of Economic Freedom,⁴⁹ and assist in the curation and implementation of Portraits in Patriotism.⁵⁰

Effect of Proposed Changes

The bill modifies s. 1004.6496, F.S., to authorize the UF board of trustees to use charitable donations to establish and fund the center. The bill specifies that funds appropriated to the center may not be used for any other purpose, but UF may provide additional funding to the college.

The bill anticipates the center becoming a college, and requires that beginning January 1, 2025, and by each January 1 thereafter, UF must report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the progress toward establishing the center as a permanent college at the university. The report must include a timeline for establishing the college, enrollment and educational outcomes and future goals for enrollment and educational outcomes, current financial progress and future financial needs, and any recommendation for changes in general law.

The bill requires the center to develop educational programming and an implementation plan to ensure that all university students demonstrate competency in civil discourse. The president of the university must annually update the board of trustees on the center's progress toward developing educational programming to ensure that all students at the university demonstrate competency in civil discourse. The president's report must identify a timeline and support necessary for the university to achieve this goal. Accordingly, the bill modifies the goals of the center to include developing curriculum and courses to satisfy the requirement for the competency in civil discourse, which may be used to satisfy requirements for civic literacy.

⁴⁵ Ch. 2022-154, s. 35, Laws of Fla.

⁴⁶ Section 1004.6496(1), F.S.

⁴⁷ Id. at (2).

⁴⁸ Section 1004.6499, F.S.

⁴⁹ Section 1004.64991, F.S.

⁵⁰ Section 1003.44, F.S.

The bill also modifies the goals of the center to include educating university students on the Great Books of Western civilization.

Finally, the bill requires the president of the university to guide the university's leadership and the center to ensure that the center is able to enroll students, hire faculty, ensure a pathway to tenure for faculty, develop curricula and courses, establish certificate and degree programs, establish major and minor programs, and fulfill other actions approved by the president.

Florida Institute of Politics

Present Situation

The Florida Institute of Politics (institute) was created in 2020⁵¹ at Florida State University (FSU) to provide the southeastern region of the United States with a world class, bipartisan, nationally renowned institute of politics.

The goals of the institute are to:

- Motivate students throughout FSU to become aware of the significance of government and civic engagement at all levels and politics in general.
- Provide students with an opportunity to be politically active and civically engaged.
- Nurture a greater awareness of and passion for public service and politics.
- Plan and host forums to allow students and guests to hear from and interact with experts from government, politics, policy, and journalism on a frequent basis.
- Become a national and state resource on polling information and survey methodology.
- Provide fellowships and internship opportunities to students in government, nonprofit organizations, and community organizations.
- Provide training sessions for newly elected state and local public officials.
- Organize and sponsor conferences, symposia, and workshops throughout this state to educate and inform citizens, elected officials, and appointed policymakers regarding effective policymaking techniques and processes.
- Create and promote research and awareness regarding politics, citizen involvement, and public service.
- Collaborate with related policy institutes and research activities at FSU and other institutions of higher education to motivate, increase, and sustain citizen involvement in public affairs.⁵²

Effect of Proposed Changes

The bill modifies s. 1004.6499, F.S., to change the name of the Florida Institute of Politics (institute) at FSU to the Florida Institute for Governance and Civics. The bill removes the requirement that the institute be housed in the FSU College of Social Sciences and Public Policy, and removes the stated purpose in favor of specified goals.

The bill substantially changes the goals of the institute to:

- Provide students with access to an interdisciplinary hub that will develop academically rigorous scholarship and coursework on the origins of the American system of government,

⁵¹ Ch. 2020-114, ss. 9, 110, Law of Fla.

⁵² Section 1004.6499(1), F.S.

its foundational documents, its subsequent political traditions and evolutions, and its impact on comparative political systems.

- Encourage civic literacy in this state through the development of educational tools and resources for K-12 and postsecondary students which foster an understanding of how individual rights, constitutionalism, separation of powers, and federalism function within the American system.
- Model civic discourse that recognizes the importance of viewpoint diversity, intellectual rigor, and an evidence-based approach to history.
- Plan and host forums to allow students and guests to hear from exceptional individuals who have excelled in a wide range of sectors of American life, to highlight the possibilities created by individual achievement and entrepreneurial vision.
- Become a national and state resource on using polling instruments and other assessments to measure civic literacy and make recommendations for improving civic education.
- Provide fellowships and internship opportunities to students in government.
- Create through scholarship, original research, publications, symposia, testimonials, and other means a body of resources that can be accessed by students, scholars, and government officials to understand the innovations in public policy in this state over a rolling 30-year time period.

The Adam Smith Center for the Study of Economic Freedom

Present Situation

The Adam Smith Center for the Study of Economic Freedom was created in 2020⁵³ at Florida International University to:

- Study the effect of government and free market economies on individual freedom and human prosperity.
- Conduct and promote research on the effect of political and economic systems on human prosperity.
- Plan and host research workshops and conferences to allow students, scholars, and guests to exchange in civil discussion of democracy and capitalism.
- Provide fellowship and mentoring opportunities to students engaged in scholarly studies of the effect of political and economic systems on human prosperity.⁵⁴

Effect of Proposed Changes

The bill modifies s. 1004.64991, F.S., to authorize the Adam Smith Center for the Study of Economic Freedom to:

- Hire necessary faculty and staff, pursuant to university board of trustees hiring authority specified in the bill;
- Enroll students;
- Develop curriculum and offer new courses, including honors courses, certificates, and major and minor programs;
- Hold events, including fundraisers;
- Fulfill other actions approved by the president of the university; and

⁵³ Ch. 2020-117, s. 8, Laws of Fla.

⁵⁴ Section 1004.64991, F.S.

- Generate resources based on student credit hour enrollment, in the same manner as any other college within the institution.

Accreditation

Present Situation

In order for students to receive federal student aid from the U.S. Department of Education (USDOE) for postsecondary study, the institution must be accredited by a nationally recognized accrediting agency, be authorized by the State in which the institution is located, and receive approval from the USDOE through a program participation agreement.⁵⁵

To gain or renew accreditation, an institution must be evaluated through a set of procedures established by an accrediting agency. Many of the procedures are guided by federal requirements.

The Commission on Colleges of the Southern Association of Colleges and Schools (SACSCOC) is the body for the accreditation of degree-granting higher education institutions in the Southern states. It serves as the common denominator of shared values and practices primarily among the diverse institutions in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia and Latin America and certain other international sites approved by the SACSCOC Board of Trustees that award associate, baccalaureate, master's, or doctoral degrees.⁵⁶

SACSCOC accredits 74 Florida public and private colleges and universities,⁵⁷ including 12 universities that make up the State University System of Florida, 28 institutions in the Florida College System, and 34 private colleges and universities.

The Board of Governors (BOG) and the State Board of Education (SBE) must identify accrediting agencies or associations best suited to serve as an institutional accreditor for state universities and Florida College System institutions, respectively. Such accrediting agencies or associations must be recognized by the database created and maintained by the United States Department of Education. A public postsecondary institution may not be accredited by the same accrediting agency or association for consecutive accreditation cycles. In the year following reaffirmation or fifth-year review by its accrediting agency or association, each public postsecondary institution is required to seek and obtain institutional accreditation from an accrediting agency or association identified by the BOG or SBE, respectively, before its next reaffirmation or fifth-year review date.

⁵⁵ United States Department of Education, *Overview of Accreditation in the United States*, <https://www2.ed.gov/admins/finaid/accred/accreditation.html> (last visited March 24, 2022).

⁵⁶ The Southern Association of Colleges and Schools Commission on Colleges website at <https://sacscoc.org/about-sacscoc/> (last visited March 24, 2022).

⁵⁷ Southern Association of Colleges and Schools Commission on Colleges, *SACSCOC Accredited and Candidate List* (July 2021), available at <https://sacscoc.org/app/uploads/2019/11/Institutionswebmemlist.pdf>.

Effect of Proposed Changes

The bill modifies s. 1008.47, F.S., to clarify that a public postsecondary institution is not required to change accrediting agencies each accreditation cycle, but that the change in accreditation required in law is restricted to a one-time change, prior to the expiration of this requirement on December 31, 2032.

The bill also prohibits an accrediting agency or association from compelling any public postsecondary institution to violate state law, and specifies that any adverse action on the institution based upon the institution's compliance with state law constitutes a violation that may be enforced through the cause of action in law, which may result from agency retaliatory or adverse actions taken against the institution. The bill provides an exception to the consequences for specified accrediting agency actions to the extent that state law is preempted by a federal law that recognizes the necessity of the accreditation standard or requirement.

Buy One, Get One Free Tuition Waiver

State universities must provide a "buy one, get one free" (BOGO) tuition and fee waiver on upper-level courses in one of ten science, technology, engineering, or math (STEM) programs of strategic emphasis (PSE), as adopted by the Board of Governors (BOG). Specifically, for every course in a qualifying PSE in which a student is enrolled, a state university must waive 100 percent of the tuition and fees for an equivalent course in such program. To be eligible, a student must:

- Be an resident for tuition purposes;⁵⁸
- Earn at least 60 semester credit hours towards a baccalaureate degree within two academic years after initial enrollment at a Florida public postsecondary institution; and
- Be enrolled in one of 10 STEM PSE.⁵⁹

On June 22, 2021, the BOG adopted eight programs for the BOGO fee waiver: Civil Engineering, Computer + Information Science, Computer Engineering, Electrical + Electronics Engineering, Information Technology, Management Information Systems, Mathematics, and Physics.⁶⁰

Beginning in the 2022-2023 academic year, students are eligible to receive the tuition and fee waiver in two additional PSE, finance and accounting,⁶¹ as adopted by the BOG.⁶²

⁵⁸ A student who is classified as a "resident for tuition purposes" is a student who qualifies for the in-state tuition rate. Section 1009.21(1)(g), F.S.

⁵⁹ Section 1009.26(18)(a), F.S.

⁶⁰ State University System, *Strategic Planning Committee Meeting Agenda for June 22, 2021*, available at [https://www.flbog.edu/session/strategic-planning-committee-klwekqle/Strategic-Planning-Committee-State-University-System-of-Florida-\(flbog.edu\)](https://www.flbog.edu/session/strategic-planning-committee-klwekqle/Strategic-Planning-Committee-State-University-System-of-Florida-(flbog.edu)).

⁶¹ State University System, *Strategic Planning Committee Meeting Agenda for June 29, 2022*, available at <https://www.flbog.edu/wp-content/uploads/2022/06/Full-Board-SPC-PSE-Tuition-Waiver-ai-CE-1.pdf>

⁶² The Florida Channel, *Florida BOG Meeting Part 2 June 29, 2022*, available at <https://thefloridachannel.org/videos/6-29-22-florida-board-of-governors-meeting-part-2/> at 6:20.

The tuition and fee waiver is applicable only for upper-level courses and for up to 110 percent of the number of required credit hours of the degree program for which the student is enrolled.⁶³ For example, for a 120-credit hour state university baccalaureate degree program, the waiver is applicable unless the student has earned an excess of 132 credit hours.

Effect of Proposed Changes

The bill modifies s. 1009.26, F.S., to add to the eligible programs under the tuition and fee waiver a state-approved teacher preparation program identified by the BOG. The bill specifies that beginning in the 2023-2024 academic year, a student may receive the waiver for enrollment in one of two state-approved teacher preparation programs identified by the BOG.

The bill clarifies that the criteria provided for the BOG to select a program for eligibility for the tuition waiver must apply only at the time the BOG approves the list.

Finally, the bill protects students from losing the waiver based on a change to an approved program. The bill authorizes a student to continue receiving the waiver until he or she graduates, exceeds the number of allowable credits, or exits the program, regardless of whether the program is removed from the approved list subsequent to the student's enrollment.

The bill takes effect on July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

⁶³ Section 1009.26(18)(b), F.S.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1001.706, 1001.7065, 1004.06, 1004.6496, 1004.6499, 1004.64991, 1007.25, 1008.47, and 1009.26.

This bill creates the following sections of the Florida Statutes: 1001.725 and 1007.55.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS/CS by Fiscal Policy Committee on April 20, 2023:

The committee substitute:

- Replaces a requirement for the Board of Governors (BOG) to provide a directive for universities to examine certain programs, with a requirement that the BOG provide a directive regarding certain programs.
- Modifies prohibited expenditures to specify a prohibition on funds that advocate for diversity, equity, and inclusion, or for social and political activism, as defined in State Board of Education (SBE) rule or BOG regulation. The amendment also specifies that student organizations, which are generally funded solely from student fees, are exempted from this requirement for both activities and use of facilities.
- Modifies the Hamilton Center for Classical and Civic Education at the University of Florida to require an annual report, beginning January 1, 2025, regarding plans to transition the center to a college. The CS also sets a goal for a university competency in civil discourse, and assigns to the center associated duties.

- Requires the Articulation Coordinating Committee to submit to the SBE or BOG lists of institution-approved general education courses for approval or rejection.

CS/CS by Appropriations Committee on Education on April 12, 2023:

The committee substitute:

- Regarding powers and duties of the Board of Governors (BOG), the CS:
 - Adds to the bill a requirement that the Board of Governors (BOG) provide direction to universities to examine programs for those that are based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities.
 - Requires, rather than authorizes, the BOG to adopt a regulation regarding a post-tenure review, but removes from the bill the requirement that the BOG regulation on post-tenure reviews include a provision that authorizes a post-tenure review at any time, for cause.
- Changes the research metric in the bill regarding the preeminent state research universities program to specify that STEM-related expenditures includes federal expenditures, but removes the requirement that such research benefit Florida industry and employ Florida residents.
- Relating to university personnel:
 - Modifies hiring authority in the bill to reserve authority to the president, and specifies that the president is responsible for assessing employment practices for provosts and deans.
 - Authorizes the president to delegate hiring authority to the executive team and individual deans.
 - Authorizes only specified pledges or other oaths in admissions or personnel processes.
 - Specifies that faculty grievances terminate with the president of the university.
 - Specifies that the university board of trustees must have procedures to review executive team contracts and salaries.
- Prohibits public postsecondary institution and direct support organization expenditures for programs that that are based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities; and adds additional exempt activities or functions.
- Creates the Institute for Risk Management and Insurance Education; and retains the Hamilton Center at the University of Florida as a center, rather than a college.
- Relating to the general education program:
 - Prohibits general education core courses from content that is based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities.
 - Requires specified course information that must be approved by the university board of trustees.
 - Requires each university to submit general education lists for approval to the SBE or BOG, as applicable.

- Prohibits an accrediting agency from compelling any public institution to violate state law.
- Includes teacher preparation programs in the buy-one-get-one tuition waiver program, and specifies that programs selected must meet specified criteria only at the time of selection.

CS by Education Postsecondary on March 15, 2023:

The committee substitute:

- Relating to the powers and duties of the Board of Governors (BOG), requires the BOG to:
 - Align university missions with the existing and emerging economic development needs of the state, and removes education for citizenship in the constitutional republic and workforce needs.
 - Include in its strategic plan provisions for nondegree credential attainment, and removes a requirement to include education for citizenship in the constitutional republic and industry certifications.
 - Include in its regulation regarding tenure review a provision for each university to initiate a post-tenure review at any time, with cause.
- In provisions relating to discriminatory concepts:
 - Requires as a part of the BOG review of university missions, direction to each university to examine programs for discriminatory concepts in s. 1000.05(4)(a), F.S., and removes specific reference to majors, minors, critical race theory, gender studies, and intersectionality.
 - Removes the requirement for each university to submit documentation relating to education for citizenship in the constitutional republic and intellectual autonomy of undergraduates, as well as documentation in its accountability plan of the removal from any major or minor specified discriminatory concepts.
- Related to powers and duties of the university board of trustees (BOT):
 - Specifies hiring authority for full-time faculty.
 - Prohibits a president from delegating hiring authority to anyone outside of the executive team, and removes the provision requiring the BOT to approve or deny any selection.
 - Prohibits activities in university admissions, hiring, promotion, tenure, or evaluations that violate the discrimination provisions of s. 1000.05(4)(a), F.S.
- Provides additional restrictions on prohibited expenditures by public postsecondary institutions, with exceptions, and expands the list of individuals protected from discrimination to include color and disability, and replaces gender with sex; and provides rule and regulation authority.
- Modifies the general education provisions by:
 - Tying a prohibition on distorting historical events to a violation of the discrimination provisions of s. 1000.05(4)(a), F.S., and removes reference to critical race theory.
 - Replacing the requirement for communication courses to focus on Western literacy traditions with a requirement for humanities courses to include selections from the Western canon.

- Extending a reporting date for the Articulation Coordinating Committee from July 1, 2023 to July 1, 2024.
- Specifying that a student may not be required to take additional general education courses if the course completed was subsequently removed from an identified list.
- Specifies that students may continue receiving the “buy one, get one free” tuition waiver even if their programs are removed as eligible program after their enrollment.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
