

Agenda

University of West Florida Board of Trustees June 6-7, 2002 UWF Conference Center

Thursday, June 6

3:00 p.m. – **Academic & Student Affairs Committee**

1. Requests to explore new academic programs
 - A. Maritime Studies (BA)
 - B. Anthropology (MA)
 - C. Heritage Studies (MA)
 - D. Hospitality, Recreation and Tourism Studies (BA)
2. Accountability measures for performance-based budgeting

3:30 – 5:30 p.m. – **Board of Trustees Strategic Planning workshop**

1. Presentation of Strategic Plan
2. Discuss tactical response

(6 – 8 p.m. – Dinner in UWF Conference Center Lounge)

Friday, June 7

8:30 a.m. – **UWF Board of Trustees Meeting**

Chair's greetings

President's greetings

Approval of minutes

Action items

1. UWF Strategic Plan
2. 2002-03 budget
3. Transition package President Morris Marx
4. Compensation package for incoming President John Cavanaugh

Committee reports

1. Academic and Student Affairs Committee

Discussion items

1. School Code rewrite
2. UWF Capital Renewal and Deferred Maintenance

Other business

Adjournment

UWF Board of Trustees
June 6-7, 2002

Issue: UWF Strategic Plan

Proposed action: Adopt

Background information:

A Board of Trustees ad hoc committee on Strategic Planning worked with a University Planning Council ad hoc committee to craft a revised Strategic Plan for the university. It has been submitted to the entire university community for comment and brought to the University Planning Council, which approved the document. State law requires the Board of Trustees to adopt a strategic plan.

Supporting documentation: Strategic Plan

Prepared by: Keith Goldschmidt
850-474-2368

THE UNIVERSITY OF WEST FLORIDA

Partnership Strategic Plan

Our Vision

To distinguish UWF as the premier creative, student-centered university focused on excellence.

Our Mission

To empower each individual we serve with knowledge and opportunity to contribute responsibly and creatively to a complex world.

Our Values

Caring

A safe and dynamic learning environment that encourages the development of individual potential

Integrity

Doing the right thing for the right reason

Quality

Dedication to uncompromising excellence

Innovation

Dedication to exploring and expanding the boundaries of knowledge

Teamwork

Working together to achieve shared goals

Stewardship

Managing and protecting our resources

Courage

Different by design

Our Goals and Imperatives

Promote a learning environment that encourages the development of individual potential in students, faculty, and staff (see Legislative Goal 1; FBOE Goal 1)

- Attract a high quality, diverse faculty and staff dedicated to putting students first
- Demand excellence in teaching, research, and service
- Create a new standard in education focused on learning outcomes
- Promote integrity through intellectual inquiry and open discourse

Attract and inspire a diverse and talented student body committed to uncompromising academic excellence (see Legislative Goal 2; FBOE Goal 2)

- Promote creativity by the exchange of ideas in the spirit of academic freedom and professional responsibility
- Promote diversity through a respect for and appreciation of differences

Provide solutions to educational, cultural, economic, and environmental concerns of the region (see Legislative Goal 3; FBOE Goal 3)

- Align university services with community needs and interests through teamwork and collaboration
- Engage in scholarly research and creative activity to solve regional problems and enhance the quality of life

Manage growth responsibly through focus on continuous quality improvement of programs and processes (see Legislative Goal 4; FBOE Goal 4)

- Target markets of opportunity with effective communications programs
- Align financial resources with performance expectations
- Continuously develop and improve processes and methods in delivering the university's brand promise.

UWF Board of Trustees
June 6-7, 2002

Issue: Tentative Operating Budget 2002-03 and related releases

Proposed actions:

1. Approve a tentative (beginning) 2002-03 Operating Budget for the July 1, 2002 to June 30, 2003 fiscal year for appropriated and non-appropriated funds.
Appropriated funds are funds/budgets in the Appropriations Bill.
Educational and general

Non-Appropriated funds are funds/budgets not in the Appropriations Bill but approved by consultation with legislative staff per statutory provision.
Contracts and grants
Auxiliaries
Financial aid
Athletics
Vending

2. Authorize the president to make subsequent changes to the budget as needed, including the changes between the tentative budget and the budget to be submitted to FBOE by August 15, and other changes during the fiscal year.
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Background information:

The 2002-03 Operating Budget is due to FBOE-DCU on August 15, 2002, which is the month that has been the normal date for submission. In the past, the BOR (now the FBOE-DCU) approved budgets at its September meetings, and its staff effected releases for the universities throughout the year. However, this year the universities must provide documentation of an approved budget by the BOT's to the State Comptroller's Office before July 1, for the State Comptroller's Office to make cash and budget releases to the universities.

Release is the authority to spend appropriated funds and self-generated funds in the State Treasury. E&G funds are released periodically, primarily in relation to state revenue collections during the year.

C&G and Auxiliary funds in the state treasury are normally 100% released at the beginning of the year. Local funds (funds in bank accounts) are 100% approved for expenditure at the beginning of the year. The university may spend these funds according to the availability of cash.

The university will use the BOT approved tentative budget to develop a schedule of releases by budget entity, fund, and budget expenditure category for the state comptroller or for FBOE-DCU — whichever administrative entity will ultimately effect releases for the university — as we move into this transition period regarding budgets. Releases will be for the period to be covered by each release, such as quarterly. The university will change releases as needed, depending on expenditure needs by fund and budget category.

Transfer, Investment, and Debt Service—referred to as non-operating budget and releases—will be needed in certain budget entities.

University operating funds are in the State Treasury (i.e. C&G, Auxiliaries, E&G) or in local bank accounts (i.e. Athletics, Scholarship, and Vending).

Supporting documentation:

Attachment I	Tentative 2002-03 operating budgets requested for approval
Attachment II	Definition of budget entities
Attachment III	Five year expenditure summary

Prepared by: Gloria Resmondo
850-474-2207

University of West Florida
Summary of Estimated Budgets
2002 – 2003

	<u>Amount</u>	<u>Percentage</u>
Educational and General	\$ 71,471,628	49.55%
Auxiliary Trust Fund	13,000,000	9.01%
Contract and Grants	24,840,916	17.22%
Local Fund Accounts	<u>34,920,174</u>	<u>24.22%</u>
Total	\$144,232,718	100.00%

The University of West Florida
Education and General
2002-2003 Estimated Budget

	<u>Amount</u>	<u>Percentage</u>
Estimated Resources		
General Revenue	\$ 50,551,025	70.73%
Educational Enhancement	18,166,850	25.42%
Student Fee Trust Fund	2,753,753	3.85%
Total Estimated Resources	\$ 71,471,628	100.00%
 Estimated Usage		
Salaries	\$ 54,280,958	75.95%
Operating Expenses	8,694,771	12.17%
Plant Operations and Maintenance	7,984,241	11.17%
Financial Aid	511,658	0.71%
Total Estimated Usage	\$ 71,471,628	100.00%

**The University of West Florida
Auxiliary Trust Fund
2002-2003 Estimated Budget**

	<u>Amount</u>	<u>Percentage</u>
Estimated Resources		
Sales/Fees/Miscellaneous Receipts	\$ 13,000,000	100.00%
 Estimated Usage		
Housing Operations	\$ 7,700,000	59.23%
Printing & Duplicating	700,000	5.38%
Postal Services	400,000	3.08%
Student Health Services	700,000	5.38%
Schools for Children	300,000	2.31%
Auxiliary Administration	1,700,000	13.08%
Other Auxiliaries	1,500,000	11.54%
Total Estimated Usage	\$ 13,000,000	100.00%

University of West Florida
Contract and Grants
2002-2003 Estimated Budget

	<u>Amount</u>	<u>Percentage</u>
Estimated Resources		
Federal Grants	\$ 11,844,029	47.68%
Florida State & City	7,086,904	28.53%
Indirect Cost Collections	4,666,983	18.79%
Private Grants	900,000	3.62%
Investment Earnings	228,000	.92%
Other Receipts	115,000	.46%
Total Estimated Resources	\$ 24,840,916	100.00%
Estimated Usage		
Salaries	\$ 5,561,170	22.39%
Temporary Services	3,367,087	13.56%
Operating Expenses	6,894,414	27.75%
Federal Demonstration Project	2,066,961	8.32%
Capital Equipment	567,518	2.29%
Indirect Cost Distributions	2,646,000	10.65%
Interfund Transfers	3,737,766	15.04%
Total Estimated Usage	\$ 24,840,916	100.00%

**The University of West Florida
Local Funds
2002-2003 Estimated Budget**

	<u>Amount</u>	<u>Percentage</u>
Estimated Resources		
Student Fees	\$ 4,500,000	12.88%
Federal Funds	25,420,174	72.80%
Transfer In	2,000,000	5.73%
Other Receipts	3,000,000	8.59%
Total Estimated Resources	\$34,920,174	100.00%
Estimated Usage		
Student Activity	\$ 1,907,614	5.46%
Intercollegiate Athletics	1,785,726	5.11%
Concessions	169,687	0.49%
Student Financial Aid		
University Scholarship	7,011,656	20.08%
University Loan Fund	300,000	0.86%
Direct Loan Fund	23,745,491	68.00%
Total Estimated Usage	\$34,920,174	100.00%

DEFINITION OF BUDGET ENTITIES

Educational and General (E&G) Budget Entity

E&G funding sources include: **General Revenue** (primarily Florida's sales tax); the **Educational Enhancement** Trust Fund (Lottery sales); the **Student and Other Fees** Trust Fund (student matriculation and out-of-state fees, and miscellaneous revenues such as library fines, application fees, late registration fees and a portion of the indirect cost assessed to contract and grant activity).

Non-E&G Budget Entities

FBOE and Legislative Budget Policies: operating budgets for these units are approved by the FBOE and Legislative Staff. The FBOE normally considers the budget requests at their September meeting. A formal legislative budget request is not required and there is no legislative appropriation. Universities may request increases in budget authority as needed. If the new year budget requested is more than 12% of the previous year's expenditures, a narrative justification is required.

Auxiliary Enterprises Auxiliary Enterprises are self-supporting through fees, payments, and charges.

Contracts and Grants

Revenues in this budget entity are generated from Federal, State, and Local government contracts and grants. The University's budget request to the FBOE is for the budget entity as a whole.

Student Activity

This budget entity's primary revenue source is Student Government funds collected via the Activity and Service Fee portion of the per credit hour fee (the A&S fee).

Athletics

Revenues are generated primarily from ticket sales. The students' per-credit-hour athletic fee goes in this budget entity. Also, there is an E&G allocation to support women's athletics.

Campus Concessions (Vending)

This revenue in this budget entity comes from contract commissions from vendors who provide vending machines on campus (primarily Buffalo Rock). Expenditures are primarily for items related to entertainment and programs in furtherance of university business.

Financial Aid

This budget entity includes the Scholarship fund.

**The University of West Florida
Five Year Expenditure Summary**

	<u>2000-2001</u>	<u>1999-2000</u>	<u>1998-1999</u>	<u>1997-1998</u>	<u>1996-1997</u>
Education and General	\$ 62,930,407	\$ 59,931,928	\$ 55,907,594	\$ 53,037,726	\$ 49,755,758
Auxiliaries Enterprises	12,874,381	11,351,508	10,479,124	9,472,333	9,390,938
Contract & Grants	18,454,341	14,949,511	10,514,313	9,817,487	10,522,509
Student Activities	1,570,710	1,247,042	1,136,844	1,158,173	999,769
Intercollegiate Athletics	1,488,105	1,386,204	1,279,816	1,111,598	975,950
Campus Concession	147,554	144,008	126,421	99,338	118,114
Financial Aid	26,451,813	23,182,735	21,296,920	19,878,003	16,744,747
Expenditures--All Funds	\$123,917,311	\$112,192,936	\$100,741,032	\$ 94,574,658	\$ 88,507,785

Notes:

- Education and General expenditures include expenditures and encumbrances.
- Non-E&G expenditures are cash basis expenditures.
- Financial Aid includes Loan Fund, Scholarship Fund, and Direct Loan Fund

UWF Board of Trustees
June 6-7, 2002

Issue: President Marx transition package

Proposed action: Adopt

Background information:

The Board of Trustees authorized Chair Collier Merrill to negotiate a transition compensation package for outgoing President Morris Marx. A former chancellor's memorandum outlines the compensation for departing presidents, and it was used consistently at Florida's public universities for presidents who have remained within the system after resigning from the presidency. That formula, which adjusts the salary for a president returning to a faculty position, was used as a basis for the package recommended by Chair Merrill.

Supporting documentation: None

Prepared by: Keith Goldschmidt
850-474-2368

**UWF Board of Trustees
June 6-7, 2002**

Issue: Compensation package for incoming President John Cavanaugh

Proposed action: Approve

Background information:

The Board of Trustees on May 24 authorized Chair Collier Merrill to negotiate a compensation package for incoming President John Cavanaugh. The result of those negotiations is in line with other presidents at similar institutions and with the compensation packages of presidents at Florida's public universities. It includes a \$205,000 base salary and (from foundation funds) \$20,000 yearly housing allowance, \$8,400 yearly transportation allowance to be distributed quarterly, \$3,500 yearly spousal travel and a 12 percent annuity (distribution yet to be determined.).

Supporting documentation: None

Prepared by: Keith Goldschmidt
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UWF Board of Trustees
June 6-7, 2002

Issue: School Code Rewrite

Proposed action: None required

Background information:

The 2002 Legislature adopted and the governor signed massive changes to the Florida School Code. It delineates the powers and authorities of the Board of Trustees, university presidents, Florida Board of Education and other educational entities. Unless specifically noted otherwise, the changes go into effect Jan. 7, 2003. It will require the Board of Trustees to adopt certain rules and policies and develop certain systems to manage the university.

Supporting documentation: Summary of changes in School Code

Prepared by: Julie Sheppard
850-438-0955

THE 2002 SCHOOL CODE REWRITE BILL

SB 20-E

I. Florida Board of Education

Becomes the State Board of Education – January 7, 2003

Secretary of Education becomes the Commissioner of Education

In the School Code Bill, the appointed State Board of Education is the head of the Department of Education. The appointed Commissioner of Education is the Executive Director for the Department of Education. Three divisions are created within the Department of Education:

- Division of Public Schools
- Division of Community Colleges
- Division of Colleges & Universities

The Division of Independent Education is eliminated. The bill eliminates the Executive Director of Independent Education and renames the education governance officers to the following:

- Deputy Commissioner of Public Schools
- Deputy Commissioner of Community Colleges
- Deputy Commissioner of Colleges and Universities

The bill creates an Office of Private K-12 and Home Education within the Department of Education.

Organization of the Department of Education

s. 1001.20(3): The Department of Education shall maintain an Office of the Commissioner of Education that includes the general areas of operation that are common to all delivery sectors, such as administration, communication, legal services, financial aid, and government and public relations, in order to increase efficiency, improve service delivery to students, and fully support the operational needs of the State Board of Education.

s. 1001.20(4): DOE shall establish the following offices within the Office of the Commissioner of Education:

- Office of Technology & Information Services
- Office of Workforce & Economic Development
- Office of Educational Facilities & Smart Schools Clearinghouse
- Office of Student Financial Assistance
- Office of Inspector General
- Office of Private Schools and Home Education Programs
 - Established within DOE, but neither DOE nor the Commissioner have any authority over the institutions or students served by the office (Commissioner appoints the Executive Director)

Office of Equal Education Opportunity 1000.05(6)

A. State Board of Education Enforcement Authority

Present Situation:

Chapter 2001-170, Laws of Florida (SB 1162), requires that the State Board of Education become an enforcement body. The legislation provides for the state board to

be the entity responsible for ensuring that school districts and public postsecondary institutions comply with law and state board rule.

School Code Rewrite:

The bill creates s. 1008.32, F.S., to authorize the State Board of Education a number of options to enforce the law and state board rule. District school boards and public postsecondary educational institution boards are primarily responsible for enforcement of law and state board rule.

Section 1008.32 State Board of Education Oversight Enforcement Authority

The State Board of Education shall oversee the performance of district school boards and public postsecondary educational institution boards in enforcement of all laws and rules. District school boards and public postsecondary educational institution boards shall be primarily responsible for compliance with law and state board rule.

(1) In order to ensure compliance with law or state board rule, the State Board of Education shall have the authority to request and receive information, data, and reports from school districts and public postsecondary educational institutions. District school superintendents and public postsecondary educational institution presidents are responsible for the accuracy of the information and data reported to the state board.

(2) The Commissioner of Education may investigate allegations of noncompliance with law or state board rule and determine probable cause, the commissioner shall report to the State Board of Education which shall require the district school board or public postsecondary educational institution board to document compliance with law or state board rule.

(3) If the district school board or public postsecondary educational institution board cannot satisfactorily document compliance, the State Board of Education may order compliance within a specified timeframe.

(4) If the State Board of Education determines that a district school board or public postsecondary educational institution board is unwilling or unable to comply with law or state board rule within the specified time, the state board shall have the authority to initiate any of the following actions:

(a) Report to the Legislature that the school district or public postsecondary educational institution has been unwilling or unable to comply with law or state board rule and recommend action to be taken by the Legislature.

(b) Reduce the discretionary lottery appropriation until the school district or public postsecondary education institution complies with the law or state board rule.

(c) Withhold the transfer of state funds, discretionary grant funds, or any other funds specified as eligible for this purpose by the Legislature until the school district or public postsecondary educational institution complies with the law or state board rule.

(d) Declare the school district or public postsecondary educational institution ineligible for competitive grants.

(e) Require monthly or periodic reporting on the situation related to noncompliance until it is remedied.

(5) Nothing in this section shall be construed to create a private cause of action or create any rights for individuals or entities in addition to those provided elsewhere in law or rule.

B. Rulemaking Authority

Section 1001.01(9) State Board of Education “Minimum Standards, Definitions & Guidelines”

The State Board of Education shall prescribe minimum standards, definitions, and guidelines for community colleges and state universities that will ensure the quality of education, coordination among the community colleges and state universities, and efficient progress toward accomplishing the community college and state university mission. At a minimum, these rules must address:

(a) Personnel.

(b) Contracting.

(c) Program offerings and classification, including college-level communication and computation skills associated with successful performance in college and with tests and other assessment procedures that measure student achievement of those skills. The performance measures must provide that students moving from one level of education to the next acquire the necessary competencies for that level.

(d) Provisions for curriculum development, graduation requirements, college calendars, and program service areas. These provisions must include rules that:

- 1. Provide for the award of an associate in arts degree to a student who successfully completes 60 semester credit hours at the community college.*
- 2. Require all of the credits accepted for the associate in arts degree to be in the statewide course numbering system as credits towards a baccalaureate degree offered by a state university.*
- 3. Require no more than 36 semester credit hours in general education courses in the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. The rules should encourage community colleges to enter into agreements with state universities that allow community college students to complete upper-division-level courses at a community college. An agreement may provide for concurrent enrollment at the community college and the state university and may authorize the community college to offer an upper-division-level course or distance learning.*

(e) Student admissions, conduct and discipline, nonclassroom activities, and fees.

(f) Budgeting.

(g) Business and financial matters.

(h) Student services.

(i) Reports, surveys, and information systems, including forms and dates of submission.

II. University Issues

A. Legal Entity Status

State universities are currently designated as state agencies.

Effective January 7, 2003, the bill removes universities from state agency status by designating them as “public corporations.”

- State universities maintain sovereign immunity protections
- No bureau, department, division, agency, or subdivision of the state shall exercise any responsibility and authority to operate any state university except as specifically provided by law or rules of the State Board of Education
- A department, bureau, division, agency, or subdivision of the state is not prohibited from providing access to programs or systems or providing other assistance to a state university pursuant to an agreement between the board of trustees and such department, bureau, division, agency, or subdivision of the state.
- State universities subject to the Administrative Procedures Act; state open meetings & public records laws

B. Appropriations

Rather than as state agencies, the bill provides that funds for the general operations of universities shall be requested and appropriated as Aid to Local Governments Grants and Aids, subject to provisions of the General Appropriations Act.

The State Board of Education shall provide instructions, guidelines, and standard formats to be used by each university that will provide to the State Board of Education and the Legislature adequate information to support and justify the

legislative budget requests submitted pursuant to ss. 216.023, 1013.60, and 1011.90 for each university.

OPERATING BUDGET.--Each university board of trustees shall adopt an operating budget for the operation of the university as prescribed by law and rules of the State Board of Education. Each university president shall prepare and implement the operating budget of the university as prescribed by law, rules of the State Board of Education, policies of the university board of trustees, and provisions of the General Appropriations Act. The proposed expenditures, plus transfers, and balances shall not exceed the estimated income, transfers, and balances. The budget and each part thereof shall balance. If at any time the unencumbered balance in the education and general fund of the university board of trustees approved operating budget goes below five percent, the president shall provide written notification to the State Board of Education.

EXPENDITURES.--Expenditures from any source of funds by any university shall not exceed the funds available. Expenditures shall not exceed the amount budgeted under each classification of accounts for each fund and the total amount of the budget, as amended as prescribed by rules of the State Board of Education. No expenditure of funds, contract, or agreement of any nature shall be made that requires additional appropriation of funds by the Legislature unless specifically authorized in advance by law or the General Appropriations

Funds appropriated in the General Appropriations Act for the operation of state universities shall be distributed by the State Board of Education to the universities twice monthly. The Executive Office of the Governor may modify this schedule if required to meet specific needs of a university.

General Appropriations Act for FY 2002-03:

PECO – *“The Board of Trustees of _____ must expend the funds appropriated on the following projects:”*

Courtelis – *“Each Board shall decide whether an individual project which is eligible for match is matched and, within the funds available, the level of match. The Board must report its decisions about projects matched to the Governor, President of the Senate, Speaker of the House of Representatives and State Board of Education by October 1, 2002.”*

C. Employer Status - Personnel Systems /personnel classification and pay systems

The State Board of Education currently prescribes the uniform personnel systems to be used by all universities.

The bill allows universities to establish their own personnel programs and systems in accordance with law and state board rule.

- The bill requires the State Board of Education to adopt minimum guidelines and criteria for university personnel systems.
- Universities maintain coverage for their employees under the state health insurance and retirement plans.

- **Collective Bargaining**

In current law, the State Board of Education is the public employer for all state universities and handles collective bargaining. One set of terms and conditions of employment is bargained centrally for all universities, by unit. The Legislature resolves issues at impasse.

Five labor organizations are recognized as the bargaining agents for employees in the State University System:

Florida Public Employees Council 79 (AFSCME)(four separate units)

Florida Nurses Association, Inc. (FNA)

Florida Police Benevolent Association (PBA)

Graduate Assistants United (GAU)(three separate units)

United Faculty of Florida (UFF).

The School Code bill allows university boards to collectively bargain locally and designates universities as the “public employers” for collective bargaining. In addition, the university boards are defined as the “legislative bodies” for purposes of resolving impasses.

D. Carry Forward Funds

University carry forward funds cannot exceed 5% of the total operating budget of the university. Further, universities are limited in the manner in which carry forward dollars may be spent.

The bill eliminates the 5% cap on university carry forward funds, requires universities to notify the State Board of Education when the unencumbered balance in the general fund goes below 5%.

E. Procurement & Provision of Goods & Services

The State Board of Education currently prescribes the uniform purchasing and contracting systems to be used by all universities.

The bill allows universities to establish their own purchasing and contracting systems in accordance with law and state board rule. In addition it recognizes the universities as providers of goods & services, rather than solely as purchasers. The bill requires the State Board of Education to adopt minimum guidelines and criteria for university purchasing and contracting.

- Universities remain subject to the Competitive Negotiations Act: s. 287.055.
- Universities remain subject to certain state minority contracting provisions: s. 287.09451 for all procurement and ss. 255.101 & 255.102 for construction contracts, and rules adopted pursuant thereto, relating to the utilization of minority business enterprises, except that procurements costing less than the amount provided for in CATEGORY FIVE as provided in s. 287.017 shall not be subject to s. 287.09451.

F. Deposit of Funds outside the State Treasury/Investment of Funds

Current law requires the deposit of most university funds in the State Treasury with limited exceptions (i.e., student deposits, private funds, faculty practice plan funds, etc.)

The bill allows universities to deposit funds in a qualified depository for public funds as defined by law. The bill establishes a biweekly disbursement schedule of state appropriated funds to each university.

G. Eminent Domain

The Florida Board of Education can exercise the right of eminent domain with approval from the State Board of Education (elected Cabinet).

The bill allows university boards to exercise the right of eminent domain with the approval of the State Board of Education (appointed body in 2003).

H. Florida Financial Management Information System (FFMIS) and FLAIR

Current law requires all state agencies to utilize FFMIS and FLAIR. Five universities (USF, UCF, FIU, FGCU, and FAU) have been authorized to prepare plans to be exempted from the use of these systems; however, the universities are not ready to change for the 2002-2003 fiscal year.

The bill establishes a process for each university to prepare a plan to move off the FFMIS and FLAIR systems.

Universities must establish a parallel system and demonstrate the adequacy and effectiveness of the new system to meet the needs of the university and to provide information required for Legislative budgeting and state level information systems.

The State Board of Education certifies to the Legislature when a university has an acceptable alternative budgeting and MIS process to transition to a new system.

I. Ownership of Real Property

Because they are state agencies, most university lands and buildings are state property and subject to the control and authority of the Board of Trustees of the Internal Improvement Trust Fund (Governor & Cabinet). Properties are then leased to the State Board of Education.

The bill makes the following changes:

- Title to property currently held with the state will remain with the state
- Title to property purchased in the future with state appropriated funds will remain with the state
- The university boards will hold title to any property purchased after January 7, 2003 if no state funds are used for the purchase.

The bill also grants the university boards the same authorities relating to appraisals, surveys and option contracts previously granted to the Board of Regents.

J. Risk Management

The State Risk Management Trust Fund (RMTF) provides insurance coverage from specified losses to universities due to their state agency status.

The bill continues coverage for the universities under the Risk Management Trust Fund. The State Board of Education is authorized to purchase or provide as a

self-insurer comprehensive general liability insurance. Universities are required to maintain coverage under the Risk Management Trust Fund.

K. Summer “9-Hour Rule”

To increase student access, to efficiently utilize space, and to assist in the recruitment and retention of faculty, a current State Board of Education rule (former BOR rule on the books since the mid-1970’s) requires students who attend a state university to take 9 credit hours of education during a summer term.

The bill provides that any student who earns 9 or more credits from one or more of the acceleration mechanisms (IB, AP, CLEP, dual enrollment, etc.) is exempt from any requirement of a public postsecondary educational institution mandating enrollment during a summer term

L. Student Government

The bill changes the responsibility of the approval of student government association internal procedures from the authority of the university president to the university board of trustees.

M. SUNCOM

Section 282.103, F.S., requires all state agencies to use the SUNCOM system. The bill continues to require universities to use SUNCOM.

N. Tuition and Fees

Currently universities have some limited authority with respect to “differential tuition” as long as they are given the spending authority for those funds. However, the Legislature has rarely given the spending authority for the differential tuition. Therefore, all state universities charge the same matriculation and tuition.

The bill continues the current tuition & fee structure (the university boards are authorized to set tuition only within the General Appropriations Act).

General Appropriations Act for FY 2002-03:

- In-state undergraduate tuition increases 5% for FY 2002-03
- In-state graduate tuition increases 5% with discretion given to the university boards to raise it up to an additional 5% for a maximum increase of 10%
- Out-of-state tuition increases 10%, with discretion given to the university boards to raise it up to an additional 10% for a maximum increase of 20%

State Employee Fee Waivers

School Code Bill - s. 1009.265:

(1) As a benefit to the employer and employees of the state, subject to approval by an employee's agency head or the equivalent, each state university and community college shall waive tuition and fees for state employees to enroll for up to 6 credit hours of courses per term on a space-available basis.

(2) The Comptroller, in cooperation with the community colleges and state universities, shall identify and implement ways to ease the administrative burden to community colleges and state universities, including, but not limited to, providing easier access to verify state employment

(3) From funds appropriated by the Legislature for administrative costs to implement this section, community colleges and state universities shall be reimbursed on a pro rata basis according to the cost assessment data developed by the Department of Education.

(4) The Auditor General shall include a review of the cost assessment data in conjunction with his or her audit responsibilities for community colleges, state universities, and the Department of Education.

(5) For purposes of this section, employees of the state include employees of the executive, legislative, and judicial branches of state government, except for persons employed by a state university.

O. University Admissions

Current law provides a 5% exception for the SUS admissions requirement relating to foreign languages. This 5% cap is a system wide cap. Therefore, the percentage of students provided exceptions varies by institution.

The bill eliminates the 5% system wide cap and authorizes the State Board of Education to establish the percent cap which could vary by institution

P. University Police

The bill expands the jurisdiction of university law enforcement to include property and facilities of a university direct-support organization.

Q. Direct Support Organizations

Current law requires the State Board of Education to certify direct support organizations and authorizes the SBE to appoint a representative to the board of directors and the executive committee of any DSO.

The bill transfers certification authority to the university boards.

The bill specifies that the chair of the university board may appoint a representative to the DSO board of directors and the DSO executive committee.

Watch for the status of HB 1177: It would require the DSO board of directors to immediately report to the university board any gift the organization gives, either directly or indirectly, valued in excess of \$1000. The report must include the amount or nature of the gift, the recipient of the gift, the relationship of the gift to the educational mission of the institution, and the benefit of the gift to the institution. The boards of trustees shall forward such information to the State Board of Education by December 31 of each year.

POWERS & DUTIES STATE BOARD OF EDUCATION

1001.02 General powers of State Board of Education.--

(1) The State Board of Education is the chief implementing and coordinating body of public education in Florida, and it shall focus on high-level policy decisions. It has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of law conferring duties upon it for the improvement of the state system of K-20 public education. Except as otherwise provided herein, it may, as it finds appropriate, delegate its general powers to the Commissioner of Education or the directors of the divisions of the department.

(2) The State Board of Education has the following duties:

(a) To adopt comprehensive educational objectives for public education.

(b) To adopt comprehensive long-range plans and short-range programs for the development of the state system of public education.

(c) To exercise general supervision over the divisions of the Department of Education as necessary to ensure coordination of educational plans and programs and resolve controversies and to minimize problems of articulation and student transfers, to ensure that students moving from one level of education to the next have acquired competencies necessary for satisfactory performance at that level, and to ensure maximum utilization of facilities.

(d) To adopt for state universities and community colleges, and from time to time modify, minimum and uniform standards of college-level communication and computation skills generally associated with successful performance and progression through the baccalaureate level and to identify college-preparatory high school coursework and postsecondary-level coursework that prepares students with the academic skills necessary to succeed in postsecondary education.

(e) To adopt and submit to the Governor and Legislature, on or before September 1 of each year, a coordinated K-20 education budget that estimates the expenditure requirements for the State Board of Education, including the Department of Education, the Commissioner of Education, and all of the boards, institutions, agencies, and services under the general supervision of the State Board of Education for the ensuing fiscal year. Any program recommended by the State Board of Education which will require increases in state funding for more than 1 year must be presented in a multiyear budget plan.

(f) To hold meetings, transact business, keep records, adopt a seal, and perform such other duties as may be necessary for the enforcement of all laws and rules relating to the state system of public education.

(g) To approve plans for cooperating with the Federal Government.

(h) To approve plans for cooperating with other public agencies in the development of rules and in the enforcement of laws for which the state board and such agencies are jointly responsible.

(i) To review plans for cooperating with appropriate nonpublic agencies for the improvement of conditions relating to the welfare of schools.

(j) To create such subordinate advisory bodies as are required by law or as it finds necessary for the improvement of education.

(k) To constitute any education bodies or other structures as required by federal law.

(l) To assist in the economic development of the state by developing a state-level planning process to identify future training needs for industry, especially high-technology industry.

(m) To assist in the planning and economic development of the state by establishing a clearinghouse for information on educational programs of value to economic development.

(n) To adopt cohesive rules pursuant to ss. 120.536(1) and 120.54, within statutory authority, for education systemwide issues.

(o) To authorize the allocation of resources in accordance with law and rule.

(p) To contract with independent institutions accredited by an agency whose standards are comparable to the minimum standards required to operate a postsecondary educational institution at that level in the state. The purpose of the contract is to provide those educational programs and facilities which will meet needs unfulfilled by the state system of public postsecondary education.

(q) To recommend that a district school board take action consistent with the state board's decision relating to an appeal of a charter school application.

(r) To enforce systemwide education goals and policies.

(s) To establish a detailed procedure for the implementation and operation of a systemwide K-20 technology plan that is based on a common set of data definitions.

(t) To establish accountability standards for existing legislative performance goals, standards, and measures, and order the development of mechanisms to implement new legislative goals, standards, and measures.

(u) To adopt criteria and implementation plans for future growth issues, such as new colleges and universities and campus mergers, and to provide for cooperative agreements between and within public and private education sectors.

(v) To develop, and periodically review for adjustment, a coordinated 5-year plan for postsecondary enrollment and annually submit the plan to the Legislature.

(w) To approve a new program at the professional level or doctoral level, if:

1. The university has taken into account the need and demand for the program, the university's mission, and similar program offerings by public and nonpublic counterparts.

2. The addition of the program will not alter the university's emphasis on undergraduate education.

(x) To review, and approve or disapprove, degree programs identified as unique pursuant to s. 1007.25.

(y) To recommend to the Legislature a plan for implementing block tuition programs and providing other incentives to encourage students to graduate within 4 years.

(3) The State Board of Education shall adopt rules to establish the criteria for assigning, reviewing, and removing limited-access status to an educational program. The State Board of Education shall monitor the extent of limited-access programs within the state universities and report to the Legislature admissions and enrollment data for limited-access programs. Such report shall be submitted annually by December 1 and shall assist in determining the potential need for academic program contracts with independent institutions pursuant to paragraph (2)(p). The report must specify, for each limited-access program within each institution, the following categories, by race and gender:

(a) The number of applicants.

(b) The number of applicants granted admission.

(c) The number of applicants who are granted admission and enroll.

(d) The number of applicants denied admission.

(e) The number of applicants neither granted admission nor denied admission.

Each category must be reported for each term. Each category must be reported by type of student, including the following subcategories: native students, community college associate in arts degree transfer students, and other students. Each category and subcategory must further be reported according to the number of students who meet or exceed the minimum eligibility requirements for admission to the program and the number of students who do not meet or exceed the minimum eligibility requirements for admission to the program.

(4) The State Board of Education shall review, and approve or disapprove, baccalaureate-degree programs that exceed 120 semester hours, after considering accreditation requirements, employment and earnings of graduates, 3 comparative program lengths nationally, and comparisons with similar programs offered by independent institutions. By December 31 of each year, the State Board of Education must report to the Legislature any degrees in the state universities that require more than 120 hours, along with appropriate evidence of need. At least every 5 years, the State Board of Education must determine whether the programs still require more than the standard length of 120 hours.

(5)(a) The State Board of Education shall adopt a systemwide strategic plan that specifies goals and objectives for the state universities and community colleges. In developing this plan, the State Board of Education shall consider the role of individual public and independent institutions within the state. The plan shall provide for the roles of the universities and community colleges to be coordinated to best meet state needs and reflect cost-effective use of state resources. The strategic plan must clarify mission statements and identify degree programs to be offered at each university and community college in accordance with the objectives provided in this subsection. The systemwide strategic plan must cover a period of 5 years, with modification of the program lists after 2 years. Development of each 5-year plan must be coordinated with and initiated after completion of the master plan. The systemwide and university and community college strategic plans must specifically include programs and procedures for responding to the educational needs of teachers and students in the public schools of this state. The state board shall submit a report to the President of the Senate and the Speaker of the House of Representatives upon modification of the system plan.

(b) The State Board of Education shall develop long-range plans and annual reports for financial aid in this state. The long-range plans shall establish goals and objectives for a comprehensive program of financial aid for Florida students and shall be updated every 5 years. The annual report shall include an assessment of progress made in achieving goals and objectives established in the long-range plans and

recommendations for repealing or modifying existing financial aid programs or establishing new programs. A long-range plan shall be submitted by January 1, 2004, and every 5 years thereafter. An annual report shall be submitted on January 1, 2004, and in each successive year that a long-range plan is not submitted, to the President of the Senate and the Speaker of the House of Representatives.

(6) The State Board of Education shall coordinate the programs with the Council for Education Policy Research and Improvement, including doctoral programs. The programs shall be reviewed every 5 years or whenever the state board determines that the effectiveness or efficiency of a program is jeopardized. The State Board of Education shall define the indicators of quality and the criteria for program review for every program. Such indicators include need, student demand, industry-driven competencies for advanced technology and related programs, and resources available to support continuation. The results of the program reviews must be tied to the university and community college budget requests.

(7) The State Board of Education shall:

(a) Provide for each community college to offer educational training and service programs designed to meet the needs of both students and the communities served.

(b) Specify, by rule, procedures to be used by the boards of trustees in the annual evaluations of presidents and review the evaluations of presidents by the boards of trustees.

(c) Establish an effective information system that will provide composite data concerning the community colleges and state universities and ensure that special analyses and studies concerning the institutions are conducted, as necessary, for provision of accurate and cost-effective information concerning the institutions.

(d) Establish criteria for making recommendations for modifying district boundary lines for community colleges.

(e) Establish criteria for making recommendations concerning all proposals for the establishment of additional centers or campuses for community colleges and state universities.

(f) Examine the annual administrative review of each community college and state university.

(g) Specify, by rule, the degree program courses that may be taken by students concurrently enrolled in college-preparatory instruction.

(h) Adopt and submit to the Legislature a 3-year list of priorities for fixed-capital-outlay projects.

(8) The State Board of Education is responsible for reviewing and administering the state program of support for the community colleges and, subject to existing law, shall establish the tuition and out-of-state fees for college-preparatory instruction and for credit instruction that may be counted toward an associate in arts degree, an associate in applied science degree, or an associate in science degree.

(9) The State Board of Education shall prescribe minimum standards, definitions, and guidelines for community colleges and state universities that will ensure the quality of education, coordination among the community colleges and state universities, and efficient progress toward accomplishing the community college and state university mission. At a minimum, these rules must address:

(a) Personnel.

(b) Contracting.

(c) Program offerings and classification, including college-level communication and computation skills associated with successful performance in college and with tests and other assessment procedures that measure student achievement of those skills. The performance measures must provide that students moving from one level of education to the next acquire the necessary competencies for that level.

(d) Provisions for curriculum development, graduation requirements, college calendars, and program service areas. These provisions must include rules that:

1. Provide for the award of an associate in arts degree to a student who successfully completes 60 semester credit hours at the community college.

2. Require all of the credits accepted for the associate in arts degree to be in the statewide course numbering system as credits towards a baccalaureate degree offered by a state university.

3. Require no more than 36 semester credit hours in general education courses in the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. The rules should encourage community colleges to enter into agreements with state universities that allow community college students to complete upper-division-level courses at a community college. An agreement may provide for concurrent enrollment at the community college and the state university and may authorize the community college to offer an upper-division-level course or distance learning.

(e) Student admissions, conduct and discipline, nonclassroom activities, and fees.

(f) Budgeting.

(g) Business and financial matters.

(h) Student services.

(i) Reports, surveys, and information systems, including forms and dates of submission.

1001.03 Specific powers of State Board of Education.--

(1) PUBLIC K-12 STUDENT PERFORMANCE STANDARDS.—The State Board of Education shall approve the student performance standards known as the Sunshine State Standards in key academic subject areas and grade levels.

(2) DIRECT-SUPPORT ORGANIZATION OF THE DEPARTMENT OF EDUCATION.--The State Board of Education shall govern issues relating to use of property, facilities, and personal services between the Department of Education and its direct-support organization and shall certify that the organization operates at all times in a manner consistent with the goals and best interest of the department, pursuant to s. 1001.24.

(3) PROFESSIONAL CERTIFICATES.--The State Board of Education shall classify school services, designate the certification subject areas, establish competencies, including the use of technology to enhance student learning, and certification requirements for all school-based personnel, and prescribe rules in accordance with which the professional, temporary, and part-time certificates shall be issued by the Department of Education to applicants who meet the standards prescribed by such rules for their class of service, as described in chapter 1012.

(4) PROFESSIONAL TEACHER ASSOCIATIONS.--The State Board of Education shall ensure that not-for-profit, professional teacher associations that offer membership to all teachers, noninstructional personnel, and administrators, and that offer teacher training and staff development at no fee to the district, shall be given equal access to voluntary teacher meetings, be provided access to teacher mailboxes for distribution of professional literature, and be authorized to collect voluntary membership fees through payroll deduction.

(5) IDENTIFICATION OF CRITICAL TEACHER SHORTAGE AREAS.--The State Board of Education shall identify critical teacher shortage areas pursuant to s. 1012.07.

(6) CAPITAL OUTLAY BOND AND MOTOR VEHICLE TAX ANTICIPATION CERTIFICATE RESOLUTIONS.--The State Board of Education shall issue bonds and approve resolutions regarding the expenditure of funds for capital projects and purposes pursuant to the State Constitution and other applicable law.

(7) ARTICULATION ACCOUNTABILITY.--The State Board of Education shall develop articulation accountability measures that assess the status of systemwide articulation processes, and shall establish an articulation accountability process in accordance with the provisions of chapter 1008.

(8) SYSTEMWIDE ENFORCEMENT.--The State Board of Education shall enforce compliance with law and state board rule by all school districts and public postsecondary educational institutions, in accordance with the provisions of s. 1008.32.

(9) MANAGEMENT INFORMATION DATABASES.--The State Board of Education shall continue to collect and maintain, at a minimum, the management information databases for state universities, and all other components of the public K-20 education system as such databases existed on June 30, 2002.

(10) COMMON PLACEMENT TESTING FOR PUBLIC POSTSECONDARY EDUCATION.--The State Board of Education shall develop and implement a common placement test to assess the basic computation and communication skills of students who intend to enter a degree program at any community college or state university.

(11) MINIMUM STANDARDS FOR NONPUBLIC POSTSECONDARY EDUCATION.--The State Board of Education shall adopt minimum standards relating to nonpublic postsecondary education and institutions, in accordance with the provisions of chapter 1005.

(12) COMMON POSTSECONDARY DEFINITIONS.--The State Board of Education shall adopt, by rule, common definitions for associate in science degrees and for certificates.

(13) CYCLIC REVIEW OF POSTSECONDARY ACADEMIC PROGRAMS.--The State Board of Education shall provide for the cyclic review of all academic programs in community colleges and state universities at least every 7 years. Program reviews shall document how individual academic programs are achieving stated student learning and program objectives within the context of the institution's mission. The results of the program reviews shall inform strategic planning, program development, and budgeting decisions at the institutional level.

(14) UNIFORM CLASSIFICATION SYSTEM FOR SCHOOL DISTRICT ADMINISTRATIVE AND MANAGEMENT PERSONNEL.--The State Board of Education shall recommend to the Legislature by February 1, 2003, a uniform classification system for school district administrative and management personnel that will facilitate the uniform coding of administrative and management personnel to total district employees.

POWERS & DUTIES

COMMISSIONER OF EDUCATION

1001.10 Commissioner of Education; general powers and duties.--The Commissioner of Education is the chief educational officer of the state, and is responsible for giving full assistance to the State Board of Education in enforcing compliance with the mission and goals of the seamless K-20 education system. To facilitate innovative practices and to allow local selection of educational methods, the State Board of Education may authorize the commissioner to waive, upon the request of a district school board, State Board of Education rules that relate to district school instruction and school operations, except those rules pertaining to civil rights, and student health, safety, and welfare. The Commissioner of Education is not authorized to grant waivers for any provisions in rule pertaining to the allocation and appropriation of state and local funds for public education; the election, compensation, and organization of school board members and superintendents; graduation and state accountability standards; financial reporting requirements; reporting of out-of-field teaching assignments under s. 1012.42; public meetings; public records; or due process hearings governed by chapter 120. No later than January 1 of each year, the commissioner shall report to the Legislature and the State Board of Education all approved waiver requests in the preceding year. Additionally, the commissioner has the following general powers and duties:

- (1) To appoint staff necessary to carry out his or her powers and duties.
- (2) To advise and counsel with the State Board of Education on all matters pertaining to education; to recommend to the State Board of Education actions and policies as, in the commissioner's opinion, should be acted upon or adopted; and to execute or provide for the execution of all acts and policies as are approved.
- (3) To keep such records as are necessary to set forth clearly all acts and proceedings of the State Board of Education.
- (4) To have a seal for his or her office with which, in connection with his or her own signature, the commissioner shall authenticate true copies of decisions, acts, or documents.
- (5) To recommend to the State Board of Education policies and steps designed to protect and preserve the principal of the State School Fund; to provide an assured and stable income from the fund; to execute such policies and actions as are approved; and to administer the State School Fund.
- (6) To take action on the release of mineral rights based upon the recommendations of the Board of Trustees of the Internal Improvement Trust Fund.
- (7) To submit to the State Board of Education, on or before August 1 of each year, recommendations for a coordinated K-20 education budget that estimates the expenditures for the State Board of Education, including the Department of Education, the Commissioner of Education, and all of the boards, institutions, agencies, and services under the general supervision of the State Board of Education for the ensuing fiscal year. Any program recommended to the State Board of Education that will require increases in state funding for more than 1 year must be presented in a multiyear budget plan.
- (8) To develop and implement a plan for cooperating with the Federal Government in carrying out any or all phases of the educational program and to recommend policies for administering funds that are appropriated by Congress and apportioned to the state for any or all educational purposes.
- (9) To develop and implement policies for cooperating with other public agencies in carrying out those phases of the program in which such cooperation is required by law or is deemed by the commissioner to be desirable and to cooperate with public and nonpublic agencies in planning and bringing about improvements in the educational program.
- (10) To prepare forms and procedures as are necessary to be used by district school boards and all other educational agencies to assure uniformity, accuracy, and efficiency in the keeping of records, the execution of contracts, the preparation of budgets, or the submission of reports; and to furnish at state expense, when deemed advisable by the commissioner, those forms that can more economically and efficiently be provided.
- (11) To implement a program of school improvement and education accountability designed to provide all students the opportunity to make adequate learning gains in each year of school as provided by statute and State Board of Education rule based upon the achievement of the state education goals, recognizing the following:

- (a) The State Board of Education is the body corporate responsible for the supervision of the system of public education.
- (b) The district school board is responsible for school and student performance.
- (c) The individual school is the unit for education accountability.
- (d) The community college board of trustees is responsible for community college performance and student performance.
- (e) The university board of trustees is responsible for university performance and student performance.
- (12) To establish a Citizen Information Center responsible for the preparation, publication, and distribution of materials relating to the state system of seamless K-20 public education.
- (13) To prepare and publish annually reports giving statistics and other useful information pertaining to the Opportunity Scholarship Program.
- (14) To have printed or electronic copies of school laws, forms, instruments, instructions, and rules of the State Board of Education and provide for their distribution.
- (15) To develop criteria for use by state instructional materials committees in evaluating materials submitted for adoption consideration. The criteria shall, as appropriate, be based on instructional expectations reflected in curriculum frameworks and student performance standards. The criteria for each subject or course shall be made available to publishers of instructional materials pursuant to the requirements of chapter 1006.
- (16) To prescribe procedures for evaluating instructional materials submitted by publishers and manufacturers in each adoption.

The commissioner's office shall operate all statewide functions necessary to support the State Board of Education and the K-20 education system, including strategic planning and budget development, general administration, and assessment and accountability.

1001.11 Commissioner of Education; other duties.--

- (1) The Commissioner of Education must independently perform the following duties:
 - (a) Cooperate with and coordinate responses to requests from the members of the Legislature.
 - (b) Serve as the primary source of information to the Legislature, including the President of the Senate and the Speaker of the House of Representatives, concerning the State Board of Education and the K-20 education system.
 - (c) Develop and implement a process for receiving and processing requests, in conjunction with the Legislature, for the allocation of PECO funds for qualified postsecondary education projects.
 - (d) Integrally work with the boards of trustees of the state universities and community colleges.
 - (e) Monitor the activities of the State Board of Education and provide information related to current and pending policies to the members of the boards of trustees of the community colleges and state universities.
 - (f) Ensure the timely provision of information requested by the Legislature from the State Board of Education, the commissioner's office, and the Department of Education.
- (2)(a) The Commissioner of Education shall recommend to the State Board of Education performance goals addressing the educational needs of the state for the K-20 education system. The Council for Education Policy Research and Improvement, as an independent entity, shall develop a report card assigning grades to indicate Florida's progress toward meeting those goals. The annual report card shall contain information showing Florida's performance relative to other states on selected measures, as well as Florida's ability to meet the need for postsecondary degrees and programs and how well the Legislature has provided resources to meet this need. The information shall include the results of the National Assessment of Educational Progress or a similar national assessment program administered to students in Florida. By January 1 of each year, the Council for Education Policy Research and Improvement shall submit the report card to the Legislature, the Governor, and the public.
- (b) Prior to the regular legislative session, the Commissioner of Education shall present to the Legislature a plan for correcting any deficiencies identified in the report card.
- (3) Notwithstanding any other provision of law to the contrary, the Commissioner of Education, in conjunction with the Legislature, must recommend funding priorities for the distribution of capital outlay funds for public postsecondary educational institutions, based on priorities that include, but are not limited to, the following criteria:
 - (a) Growth at the institutions.
 - (b) Need for specific skills statewide.

- (c) Need for maintaining and repairing existing facilities.
- (4) The commissioner shall develop and implement an integrated K-20 information system for educational management in accordance with the requirements of chapter 1008.
- (5) The commissioner shall design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, in accordance with the requirements of chapter 1008.
- (6) The commissioner is responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability, in accordance with the requirements of chapter 1008.

Universities as “Public Corporations”

1001.72 University boards of trustees; boards to constitute a corporation.--

(1) Each board of trustees shall be a public body corporate by the name of "The (name of university) Board of Trustees," with all the powers of a body corporate, including the power to adopt a corporate seal, to contract and be contracted with, to sue and be sued, to plead and be impleaded in all courts of law or equity, and to give and receive donations. In all suits against a board of trustees, service of process shall be made on the chair of the board of trustees or, in the absence of the chair, on the corporate secretary or designee.

(2) It is the intent of the Legislature that the university boards of trustees are not departments of the executive branch of state government within the scope and meaning of s. 6, Art. IV of the State Constitution.

(3) The corporation is constituted as a public instrumentality, and the exercise by the corporation of the power conferred by this section is considered to be the performance of an essential public function. The corporation shall constitute an agency for the purposes of s. 120.52. The corporation is subject to chapter 119, subject to exceptions applicable to the corporation, and to the provisions of chapter 286; however, the corporation shall be entitled to provide notice of internal review committee meetings for competitive proposals or procurement to applicants by mail or facsimile rather than by means of publication. The corporation is not governed by chapter 607, but by the provisions of this part. The corporation shall maintain coverage under the State Risk Management Trust Fund as provided in chapter 284.

(4) No bureau, department, division, agency, or subdivision of the state shall exercise any responsibility and authority to operate any state university except as specifically provided by law or rules of the State Board of Education. This section shall not prohibit any department, bureau, division, agency, or subdivision of the state from providing access to programs or systems or providing other assistance to a state university pursuant to an agreement between the board of trustees and such department, bureau, division, agency, or subdivision of the state.

(5) University boards of trustees shall be corporations primarily acting as instrumentalities or agencies of the state, pursuant to s. 768.28(2), for purposes of sovereign immunity.

POWERS & DUTIES

State University Boards of Trustees

1001.71 University boards of trustees; membership.--

(1) University boards of trustees shall be comprised of 12 members appointed by the Governor and confirmed by the Senate in the regular legislative session immediately following his or her appointment. In addition, the student body president elected on the main campus of the university shall serve ex officio as a voting member of his or her university board of trustees. There shall be no state residency requirement for university board members, but the Governor shall consider diversity and regional representation.

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

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

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

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

(6) The university president shall serve as executive officer and corporate secretary of the board of trustees and shall be responsible to the board of trustees for all operations of the university and for setting the agenda for meetings of the board of trustees in consultation with the chair.

1001.73 University board empowered to act as trustee.--

(1) Whenever appointed by any competent court of the state, or by any statute, or in any will, deed, or other instrument, or in any manner whatever as trustee of any funds or real or personal property in which any of the institutions or agencies under its management, control, or supervision, or their departments or branches or students, faculty members, officers, or employees, may be interested as beneficiaries, or otherwise, or for any educational purpose, a university board of trustees is hereby authorized to act as trustee with full legal capacity as trustee to administer such trust property, and the title thereto shall vest in said board as trustee. In all such cases, the university board of trustees shall have the power and capacity to do and perform all things as fully as any individual trustee or other competent trustee might do or perform, and with the same rights, privileges, and duties, including the power, capacity, and authority to convey, transfer, mortgage, or pledge such property held in trust and to contract and execute all other documents relating to said trust property which may be required for, or appropriate to, the administration of such trust or to accomplish the purposes of any such trust.

(2) Deeds, mortgages, leases, and other contracts of the university board of trustees relating to real property of any such trust or any interest therein may be executed by the university board of trustees, as trustee, in the same manner as is provided by the laws of the state for the execution of similar documents by other corporations or may be executed by the signatures of a majority of the members of the board of trustees; however, to be effective, any such deed, mortgage, or lease contract for more than 10 years of any trust property, executed hereafter by the university board of trustees, shall be approved by a resolution of the State Board of Education; and such approving resolution may be evidenced by the signature of either the chair or the secretary of the State Board of Education to an endorsement on the instrument approved, reciting the date of such approval, and bearing the seal of the State Board of Education. Such signed and sealed endorsement shall be a part of the instrument and entitled to record without further proof.

(3) Any and all such appointments of, and acts by, the Board of Regents as trustee of any estate, fund, or property prior to May 18, 1949, are hereby validated, and said board's capacity and authority to act as trustee subject to the provisions of s. 1000.01(5)(a) in all of such cases is ratified and confirmed; and all deeds, conveyances, lease contracts, and other contracts heretofore executed by the Board of Regents, either by the signatures of a majority of the members of the board or in the board's name by its chair or chief executive officer, are hereby approved, ratified, confirmed, and validated.

(4) Nothing herein shall be construed to authorize a university board of trustees to contract a debt on behalf of, or in any way to obligate, the state; and the satisfaction of any debt or obligation incurred by the university board as trustee under the provisions of this section shall be exclusively from the trust property, mortgaged or encumbered; and nothing herein shall in any manner affect or relate to the provisions of ss. 1010.61-1010.619, or s. 1013.78.

1001.74 Powers and duties of university boards of trustees.--

(1) The boards of trustees shall be responsible for cost-effective policy decisions appropriate to the university's mission, the implementation and maintenance of high quality education programs within law and rules of the State Board of Education, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.

(2) Each board of trustees is vested with the authority to govern its university, as necessary to provide proper governance and improvement of the university in accordance with law and with rules of the State Board of Education. Each board of trustees shall perform all duties assigned by law or by rule of the State Board of Education or the Commissioner of Education.

(3) A board of trustees shall have the power to take action without a recommendation from the president and shall have the power to require the president to deliver to the board of trustees all data and information required by the board of trustees in the performance of its duties.

(4) Each board of trustees may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of law conferring duties upon it. Such rules must be consistent with rules of the State Board of Education.

(5) Each board of trustees shall have the authority to acquire real and personal property and contract for the sale and disposal of same and approve and execute contracts for the purchase, sale, lease, license, or acquisition of commodities, goods, equipment, contractual services, leases of real and personal property, and construction. The acquisition may include purchase by installment or lease-purchase. Such contracts may provide for payment of interest on the unpaid portion of the purchase price. Title to all real property acquired prior to January 7, 2003, and to all real property acquired with funds appropriated by the Legislature shall be vested in the Board of Trustees of the Internal Improvement Trust Fund and shall be transferred and conveyed by it. Notwithstanding any other provisions of this subsection, each board of trustees shall comply with the provisions of s. 287.055 for the procurement of professional services as defined therein.

(6) Each board of trustees shall have responsibility for the use, maintenance, protection, and control of university-owned or university-controlled buildings and grounds, property and equipment, name, trademarks and other proprietary marks, and the financial and other resources of the university. Such authority may include placing restrictions on activities and on access to facilities, firearms, food, tobacco, alcoholic beverages, distribution of printed materials, commercial solicitation, animals, and sound. The authority vested in the board of trustees in this subsection includes the prioritization of the use of space, property, equipment, and resources and the imposition of charges for those items.

(7) Each board of trustees has responsibility for the establishment and discontinuance of degree programs up to and including the master's degree level; the establishment and discontinuance of course offerings; provision of credit and noncredit educational offerings; location of classes; services provided; and dissemination of information concerning such programs and services. Approval of new programs must be

pursuant to criteria established by the State Board of Education.

(8) Each board of trustees is authorized to create divisions of sponsored research pursuant to the provisions of s. 1011.411 to serve the function of administration and promotion of the programs of research.

(9) Each board of trustees has responsibility for: ensuring that students have access to general education courses as identified in rule and requiring no more than 120 semester hours of coursework for baccalaureate degree programs unless approved by the State Board of Education. At least half of the required coursework for any baccalaureate degree must be offered at the lower-division level, except in program areas approved by the State Board of Education.

(10) Each board of trustees has responsibility for policies related to students, enrollment of students, student activities and organizations, financial assistance, and other student services.

(a) Each board of trustees shall govern admission of students pursuant to s. 1007.261 and rules of the State Board of Education. Each board of trustees may consider the past actions of any person applying for admission or enrollment and may deny admission or enrollment to an applicant because of misconduct if determined to be in the best interest of the university.

- (b) Each board of trustees shall establish student performance standards for the award of degrees and certificates.
- (c) Each board of trustees must identify its core curricula and work with school districts to ensure that its curricula coordinate with the core curricula and prepare students for college-level work.
- (d) Each board of trustees must adopt a written antihazing policy, appropriate penalties for violations of such policy, and a program for enforcing such policy.
- (e) Each board of trustees may establish a uniform code of conduct and appropriate penalties for violations of its rules by students and student organizations, including rules governing student academic honesty. Such penalties, unless otherwise provided by law, may include fines, the withholding of diplomas or transcripts pending compliance with rules or payment of fines, and the imposition of probation, suspension, or dismissal.
- (f) Each board of trustees shall establish a committee, at least one-half of the members of which shall be students appointed by the student body president, to periodically review and evaluate the student judicial system.
- (g) Each board of trustees must adopt a policy pursuant to s. 1006.53 that reasonably accommodates the religious observance, practice, and belief of individual students in regard to admissions, class attendance, and the scheduling of examinations and work assignments.
- (h) A board of trustees may establish intrainstitutional and interinstitutional programs to maximize articulation pursuant to s. 1007.22.
- (i) Each board of trustees shall approve the internal procedures of student government organizations.
- (11) Each board of trustees shall establish fees pursuant to ss. 1009.24 and 1009.26.
- (12) Each board of trustees shall submit an institutional budget request, including a request for fixed capital outlay, and an operating budget to the State Board of Education for approval in accordance with guidelines established by the State Board of Education.
- (13) Each board of trustees shall account for expenditures of all state, local, federal, and other funds in the manner described by the Department of Education.
- (14) Each board of trustees shall develop a strategic plan specifying institutional goals and objectives for the university for recommendation to the State Board of Education.
- (15) Each board of trustees shall develop an accountability plan pursuant to guidelines established by the State Board of Education.
- (16) Each board of trustees shall maintain an effective information system to provide accurate, timely, and cost-effective information about the university.
- (17) Each board of trustees is authorized to secure comprehensive general liability insurance pursuant to s. 1004.24.
- (18) Each board of trustees may provide for payment of the costs of civil actions against officers, employees, or agents of the board pursuant to s. 1012.965.
- (19) Each board of trustees shall establish the personnel program for all employees of the university, including the president, pursuant to the provisions of chapter 1012 and, in accordance with rules and guidelines of the State Board of Education, including: compensation and other conditions of employment, recruitment and selection, nonreappointment, standards for performance and conduct, evaluation, benefits and hours of work, leave policies, recognition and awards, inventions and works, travel, learning opportunities, exchange programs, academic freedom and responsibility, promotion, assignment, demotion, transfer, tenure and permanent status, ethical obligations and conflicts of interest, restrictive covenants, disciplinary actions, complaints, appeals and grievance procedures, and separation and termination from employment. The Department of Management Services shall retain authority over state university employees for programs established in ss. 110.123, 110.1232, 110.1234, and 110.1238 and in chapters 121, 122, and 238.
- (20) Each board of trustees may consider the past actions of any person applying for employment and may deny employment to a person because of misconduct if determined to be in the best interest of the university.
- (21) Each board of trustees shall appoint a presidential search committee to make recommendations to the full board of trustees, from which the board of trustees may select a candidate for ratification by the State Board of Education.
- (22) Each board of trustees shall conduct an annual evaluation of the president in accordance with rules of the State Board of Education and submit such evaluations to the State Board of Education for review. The evaluation must address the achievement of the performance goals established by the accountability process implemented pursuant to s. 1008.46 and the performance of the president in achieving the

annual and long-term goals and objectives established in the institution's employment equity accountability program implemented pursuant to s. 1012.95.

(23) Each board of trustees constitutes the contracting agent of the university.

(24) Each board of trustees may enter into agreements for, and accept, credit card payments as compensation for goods, services, tuition, and fees.

(25) Each board of trustees may establish educational research centers for child development pursuant to s. 1011.48.

(26) Each board of trustees may develop and produce work products relating to educational endeavors that are subject to trademark, copyright, or patent statutes pursuant to s. 1004.23.

(27) Each board of trustees shall submit to the State Board of Education, for approval, all new campuses and instructional centers.

(28) Each board of trustees shall administer a program for the maintenance and construction of facilities pursuant to chapter 1013.

(29) Each board of trustees shall ensure compliance with the provisions of s. 287.09451 for all procurement and ss. 255.101 and 255.102 for construction contracts, and rules adopted pursuant thereto, relating to the utilization of minority business enterprises, except that procurements costing less than the amount provided for in CATEGORY FIVE as provided in s. 287.017 shall not be subject to s. 287.09451.

(30) Each board of trustees may exercise the right of eminent domain pursuant to the provisions of chapter 1013. Any suits or actions brought by the board of trustees shall be brought in the name of the board of trustees, and the Department of Legal Affairs shall conduct the proceedings for, and act as the counsel of, the board of trustees.

(31) Notwithstanding the provisions of s. 253.025, each board of trustees may, with the consent of the Board of Trustees of the Internal Improvement Trust Fund, sell, convey, transfer, exchange, trade, or purchase real property and related improvements necessary and desirable to serve the needs and purposes of the university.

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

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

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

Internal Improvement Trust Fund.

(32) Each board of trustees shall prepare and adopt a campus master plan pursuant to s. 1013.30.

(33) Each board of trustees shall prepare, adopt, and execute a campus development agreement pursuant to s. 1013.30.

(34) Each board of trustees has responsibility for compliance with state and federal laws, rules, regulations, and requirements.

(35) Each board of trustees may govern traffic on the grounds of that campus pursuant to s. 1006.66.

(36) A board of trustees has responsibility for supervising faculty practice plans for the academic health science centers.

(37) Each board of trustees shall prescribe conditions for direct-support organizations and university health

services support organizations to be certified and to use university property and services. Conditions relating to certification must provide for audit review and oversight by the board of trustees.

(38) Each board of trustees shall actively implement a plan, in accordance with guidelines of the State Board of Education, for working on a regular basis with the other university boards of trustees,

representatives of the community college boards of trustees, and representatives of the district school boards, to achieve the goals of the seamless education system.

(39) Notwithstanding the provisions of s. 216.351, a board of trustees may authorize the rent or lease of parking facilities, provided that such facilities are funded through parking fees or parking fines imposed by a university. A board of trustees may authorize a university to charge fees for parking at such rented or leased parking facilities.

(40) Each board of trustees may adopt rules and procedures related to data and technology, including information systems, communications systems, computer hardware and software, and networks.

(41) A board of trustees shall perform such other duties as are provided by law or rule of the State Board of Education.

POWERS & DUTIES UNIVERSITY PRESIDENTS

1001.75 University presidents; powers and duties.—The president is the chief executive officer of the state university, shall be corporate secretary of the university board of trustees, and is responsible for the operation and administration of the university. Each state university president shall:

(1) Recommend the adoption of rules, as appropriate, to the university board of trustees to implement provisions of law governing the operation and administration of the university, which shall include the specific powers and duties enumerated in this section. Such rules shall be consistent with the mission of the university and the rules and policies of the State Board of Education.

(2) Prepare a budget request and an operating budget for approval by the university board of trustees.

(3) Establish and implement policies and procedures to recruit, appoint, transfer, promote, compensate, evaluate, reward, demote, discipline, and remove personnel, within law and rules of the State Board of Education and in accordance with rules or policies approved by the university board of trustees.

(4) Govern admissions, subject to law and rules or policies of the university board of trustees and the State Board of Education.

(5) Approve, execute, and administer contracts for and on behalf of the university board of trustees for licenses; the acquisition or provision of commodities, goods, equipment, and services; leases of real and personal property; and planning and construction to be rendered to or by the university, provided such contracts are within law and rules of the State Board of Education and in conformance with policies of the university board of trustees, and are for the implementation of approved programs of the university.

University presidents shall comply with the provisions of s. 287.055 for the procurement of professional services and may approve and execute all contracts on behalf of the board of trustees for planning, construction, and equipment. For the purposes of a university president's contracting authority, a "continuing contract" for professional services under the provisions of s. 287.055 is one in which construction costs do not exceed \$1 million or the fee for study activity does not exceed \$100,000.

(6) Act for the university board of trustees as custodian of all university property.

(7) Establish the internal academic calendar of the university within general guidelines of the State Board of Education.

(8) Administer the university's program of intercollegiate athletics.

(9) Recommend to the board of trustees the establishment and termination of undergraduate and master's-level degree programs within the approved role and scope of the university.

(10) Award degrees.

(11) Recommend to the board of trustees a schedule of tuition and fees to be charged by the university, within law and rules of the State Board of Education.

(12) Organize the university to efficiently and effectively achieve the goals of the university.

(13) Review periodically the operations of the university in order to determine how effectively and efficiently the university is being administered and whether it is meeting the goals of its strategic plan adopted by the State Board of Education.

(14) Enter into agreements for student exchange programs that involve students at the university and students in other postsecondary educational institutions.

(15) Provide purchasing, contracting, and budgetary review processes for student government organizations.

(16) Ensure compliance with federal and state laws, rules, regulations, and other requirements that are applicable to the university.

(17) Maintain all data and information pertaining to the operation of the university, and report on the attainment accountability goals.

(18) Adjust property records and dispose of state-owned tangible personal property in the university's custody in accordance with procedures established by the university board of trustees. Notwithstanding the provisions of s. 273.055(5), all moneys received from the disposition of state-owned tangible personal property shall be retained by the university and disbursed for the acquisition of tangible personal property and for all necessary operating expenditures. The university shall maintain records of the accounts into which such moneys are deposited.

(19) Have vested with the president or the president's designee the powers, duties, and authority that is vested with the university.

UWF Board of Trustees
June 6-7, 2002

Issue: Capital renewal and deferred maintenance

Proposed action: Discussion only

Background information:

During the last five years, the University of West Florida has spent about \$25 million on capital renewal, deferred maintenance, renovation and adaptation work, including nearly \$7.7 million in 2000-01. The cost to complete the remaining work is \$88.9 million. Current and anticipated annual funding from the state is about \$3.5 million. However, between \$8 million and \$10 million is required annually if the university is to make significant progress in meeting those needs. Should the funding level remain the same, by 2008 the university will have about \$29 million in unmet needs in the area of utilities and infrastructure.

The purpose of this report is to assist the Board of Trustees in understanding this critical issue.

Supporting documentation: Capital renewal/deferred maintenance report supplied earlier

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