

CHAPTER 98-208

Senate Bill No. 2314

An act relating to rulemaking authority of boards of trustees of community colleges (RAB); amending s. 240.319, F.S.; prescribing rule-making authority or such boards of trustees; providing an effective date.

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

Section 1. Section 240.319, Florida Statutes, as amended by section 2 of chapter 97-383, Laws of Florida, is amended to read:

240.319 Community college district boards of trustees; duties and powers.—

(1) Each community college district board of trustees is vested with the responsibility to operate its respective community college and with such necessary authority as is ~~may be~~ needed for the proper operation and improvement thereof in accordance with rules of the State Board of Education and State Board of Community Colleges.

(2) In carrying out this responsibility, the trustees, after considering recommendations submitted by the community college president, may ~~shall be authorized to~~ adopt such rules, procedures, and policies as are necessary to operate the community college in such a manner as to assure the fulfillment of the responsibilities assigned to the board of trustees. These rules, procedures, and policies may supplement those prescribed by the State Board of Education and the State Board of Community Colleges if they will contribute to the more orderly and efficient operation of the state community college system.

(3) Each community college district board of trustees is specifically authorized to adopt rules, procedures, and policies, consistent with law and rules of the State Board of Education and State Board of Community Colleges, related to its mission and responsibilities as set forth in s. 240.301, its governance, personnel, budget and finance, administration, programs, curriculum and instruction, buildings and grounds, travel and purchasing, technology, students, contracts and grants, or college property.

(4) Such rules, procedures, and policies for the boards of trustees include, but are not limited to, the following:

(a) Each board of trustees shall appoint, suspend, or remove the president of the community college. The board of trustees may appoint a search committee. The board of trustees shall conduct periodic evaluations of the president ~~shall be conducted~~ in accordance with rules of the State Board of Community Colleges; and submit such evaluations ~~shall be submitted~~ to the State Board of Community Colleges for review.

(b) Each board of trustees has responsibility for the establishment and discontinuance of program and course offerings; provision for instructional and noninstructional community services, location of classes, and services provided; and dissemination of information concerning such programs and services.

(c) Each board of trustees constitutes the contracting agent of the community college. It may when acting as a body make contracts, sue, and be sued in the name of the board of trustees. In any suit, a change in personnel of the board shall not abate the suit, which shall proceed as if such change had not taken place. Each board may adopt rules, procedures, and policies related to contracts and contract management.

(d) Whenever the Department of Education finds it necessary for the welfare and convenience of any community college to acquire private property for the use of the community college and the property cannot be acquired by agreement satisfactory to the district board of trustees of the such community college and the parties interested in, or the owners of, the private property, the district board of trustees may exercise the right of eminent domain after receiving approval therefor from the State Board of Education and may then proceed to condemn the property in the manner provided by chapters 73 and 74.

(e) Each board of trustees may enter into lease-purchase arrangements with private individuals or corporations for necessary grounds and buildings for community college purposes, other than dormitories, or for buildings other than dormitories to be erected for community college purposes. Such arrangements shall be paid from capital outlay and debt service funds as provided by s. 240.359(2), with terms not to exceed 30 years at a stipulated rate. The provisions of such contracts, including building plans, are subject to approval by the Department of Education, and no such contract may be entered into without such approval. The State Board of Education may adopt ~~is authorized to promulgate~~ such rules as it deems necessary to administer ~~implement the provisions of~~ this paragraph.

(f) Each board of trustees may purchase, acquire, receive, hold, own, manage, lease, sell, dispose of, and convey title to real property, in the best interests of the college, pursuant to rules adopted by the State Board of Education.

(g) Each board of trustees is authorized to enter into agreements for, and accept, credit card payments as compensation for goods, services, tuition, and fees. Each community college is further authorized to establish accounts in credit card banks for the deposit of credit card sales invoices.

(h) Each board of trustees may adopt, by rule, a uniform code of appropriate penalties for violations of its rules by students and employees. 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.

(i) Each board of trustees may consider the past actions of any person applying for admission or employment and may provide, by board rule or

procedure, for denying admission, enrollment, or employment to a person if past actions have been found to disrupt or interfere with the orderly conduct, processes, functions, or programs of any other university, college, or community college.

(j) Each board of trustees is authorized to develop and produce work products relating which relate to educational endeavors which are subject to trademark, copyright, or patent statutes. To this end, the board shall consider the relative contribution by the personnel employed in the development of such work products and shall enter into binding agreements with such personnel, organizations, corporations, or government entities, which agreements shall establish the percentage of ownership of such trademarks, copyrights, or patents. Any other law to the contrary notwithstanding, the board is authorized in its own name to:

1. Perform all things necessary to secure letters of patent, copyrights, and trademarks on any such work products and to enforce its rights therein.

2. License, lease, assign, or otherwise give written consent to any person, firm, or corporation for the manufacture or use thereof on a royalty basis or for such other consideration as the board deems proper.

3. Take any action necessary, including legal action, to protect the same against improper or unlawful use of infringement.

4. Enforce the collection of any sums due the board for the manufacture or use thereof by any other party.

5. Sell any of the same and execute all instruments necessary to consummate any such sale.

6. Do all other acts necessary and proper for the execution of powers and duties provided by this paragraph.

(k) Each board of trustees shall provide rules governing parking and the direction and flow of traffic within campus boundaries and may hire appropriate personnel to enforce campus parking rules. Such persons have no authority to arrest or issue citations for moving traffic violations. The board of trustees may adopt, by rule, a uniform code of appropriate penalties for violations. Such penalties, unless otherwise provided by law, may include the levying of fines, the withholding of diplomas or transcripts pending compliance with rules or payment of fines, and the imposition of probation, suspension, or dismissal. Moneys collected from parking rule infractions shall be deposited in appropriate funds at each community college for student financial aid purposes.

(l)1. Each board of trustees may adopt rules, procedures, and policies related to ~~shall provide for~~ the appointment, employment, and removal of personnel. The board shall determine the compensation, including salaries and fringe benefits, and other conditions of employment for such personnel, including the president.

2. The board is authorized to enter into a contract with the president in accordance with the provisions of this chapter. Any such contract may fix the

duration of employment and the compensation therefor and may contain any other terms and conditions the board deems appropriate. In addition, the board may furnish the president with the use of a motor vehicle or an allowance in lieu thereof. If any such vehicle is furnished, the board shall determine and fix the maximum noncollege use of the same. Each board of trustees shall, ~~no later than July 1, 1984,~~ adopt, by rule, procedures governing the employment and dismissal of the community college president. Such rule shall be incorporated into the contract for employment.

(m) Each board of trustees may provide for recognition of employees who have contributed outstanding and meritorious service in their fields and may adopt and implement a program of meritorious service awards to employees who propose procedures or ideas that which are adopted and that which will result in eliminating or reducing community college expenditures or improving community college operations. The community college is authorized to expend funds for such recognition and awards. ~~An~~ No award granted under the provisions of this paragraph may not exceed \$2,000 or 10 percent of the first year's gross savings, whichever is greater.

(n) Each board of trustees may adopt rules, procedures, and policies related to students, enrollment of students, student activities, provide for loans, scholarships, and other student services.

(o) Each board of trustees may adopt rules, procedures, and policies related to risk management, safety, security, and is authorized to establish a policy for law enforcement operations. Each board of trustees is authorized to employ personnel to carry out the duties imposed by this paragraph.

(p) Each board of trustees is authorized to contract for the purchase, lease, or acquisition in any manner (including purchase by installment or lease-purchase contract which may provide for the payment of interest on the unpaid portion of the purchase price and for the granting of a security interest in the items purchased) of goods, materials, equipment, and services required by the college. The board of trustees may choose to consolidate have such equipment contracts consolidated under master equipment financing agreements made pursuant to s. 287.064.

(q) Each board of trustees is authorized to establish and maintain a personnel exchange program, by which persons employed within the community college as vocational instructors and comparable administrative and professional staff may be exchanged with persons employed in like capacities by institutions of higher learning which are not under the jurisdiction of the community college, by units of government either within or without this state, or by private industry. The salary and benefits of community college and state personnel participating in the exchange program shall be continued during the period of time they participate in the exchange program, and such personnel shall be deemed to have no break in creditable or continuous state service or employment during the period of time in which they participate in the exchange program. The salary and benefits of persons participating in the personnel exchange program who are employed by institutions, units of government, or private industry shall be paid by the originating employers of those participants. The duties and responsibilities of a

person participating in the exchange program shall be the same as those of the person he or she replaces.

(r) Each board of trustees is authorized to enter into contracts to provide a State Community College System Optional Retirement Program pursuant to s. 240.3195 and to enter into consortia with other boards of trustees for this purpose.

(s) Each board of trustees has responsibility for: ensuring that students have access to general education courses as identified in rule; requiring no more than 60 semester hours of degree program coursework, including 36 semester hours of general education coursework, for an associate in arts degree; notifying students that earned hours in excess of 60 semester hours may not be accepted by state universities; notifying students of unique program prerequisites identified pursuant to s. 240.209(5)(f); and ensuring that degree program coursework beyond general education coursework is consistent with degree program prerequisite requirements adopted pursuant to s. 229.551(1)(f)5.

(t) Each board of trustees is authorized to borrow funds and incur debt, including the issuance of revenue bonds as specifically authorized in ss. 239.117(17) and 240.35(13), only for the new construction of educational facilities. At the option of the board of trustees, bonds may be issued which are secured by a combination of revenues authorized to be pledged to bonds pursuant to ss. 239.117(17) and 240.35(13).

(u) Each board of trustees may adopt rules, procedures, and policies related to compliance with federal laws, regulations, and requirements.

(v) Each board of trustees may adopt rules, procedures, and policies related to institutional governance, administration, and management in order to promote orderly and efficient operation, including, but not limited to, financial management, budget management, physical-plant management, and property management.

(w) Each board of trustees may adopt rules, procedures, and policies related to data or technology, including but not limited to, information systems, communications systems, computer hardware and software, and networks.

(x) Each board of trustees may adopt rules, procedures, and policies related to the use, maintenance, protection, and control of buildings and grounds, property, or equipment.

Section 2. This act shall take effect upon becoming a law.

Became a law without the Governor's approval May 24, 1998.

Filed in Office Secretary of State May 22, 1998.