

CHAPTER 98-65

House Bill No. 755

An act relating to postsecondary education; amending s. 110.131, F.S.; deleting the requirement that the Board of Regents comply with recordkeeping and reporting requirements for other-personal-services employment; amending s. 228.055, F.S.; providing for a regional autism center; amending s. 235.055, F.S.; deleting authority of the Board of Regents to construct facilities on leased property and enter into certain leases; amending s. 235.195, F.S.; modifying provisions relating to joint-use facilities; amending s. 240.1201, F.S.; classifying specified Canadian military personnel as residents for tuition purposes; amending s. 240.147, F.S.; correcting a cross-reference; amending s. 240.205, F.S.; revising the acquisition and contracting authority of the Board of Regents; amending s. 240.209, F.S.; authorizing procedures to administer an acquisition program; authorizing the Board of Regents to sell, convey, transfer, exchange, trade, or purchase real property and related improvements; providing requirements; amending s. 240.2097, F.S.; deleting a requirement that the Board of Regents report to the Legislature on limited-access programs; revising requirements for student handbooks; amending s. 240.214, F.S.; revising provisions relating to the State University System accountability process; amending s. 240.227, F.S.; revising the acquisition and contracting authority of university presidents; authorizing adjustment of property records and disposal of certain tangible personal property; amending s. 240.241, F.S., relating to divisions of sponsored research at state universities; providing an exemption from certain contract requirements for state universities and community colleges; amending s. 240.2605, F.S., relating to the Trust Fund for Major Gifts; deleting Board of Regents' rulemaking power; authorizing the Board of Regents Foundation to participate in the major gifts program; amending s. 240.281, F.S.; revising the authority for an institution to deposit certain funds outside the State Treasury; amending s. 243.151, F.S.; providing a procedure under which a university may construct facilities on leased property; amending s. 287.012, F.S.; excluding the Board of Regents and the State University System from the term "agency" for purposes of state procurement of commodities and services; repealing ss. 240.225, 240.247, 240.4988(4), 287.017(3), F.S., relating to delegation of authority by the Department of Management Services to the State University System, eradication of salary discrimination, Board of Regents' rules for the Theodore R. and Vivian M. Johnson Scholarship Program, and applicability of purchasing category rules to the State University System; amending s. 240.2475, F.S., relating to the State University System equity accountability program; requiring each state university to maintain an equity plan to increase the representation of women and minorities in faculty and administrative positions; providing for the submission of reports; requiring the development of a plan for achievement of equity; providing for

administrative evaluations; requiring the development of a budgetary incentive plan; providing for an appropriation; amending s. 240.3355, F.S., relating to the State Community College System equity accountability program; requiring each community college to maintain a plan to increase the representation of women and minorities in faculty and administrative positions; providing contents of an employment accountability plan; requiring the development of a plan for corrective action; providing for administrative evaluations; providing for submission of reports; requiring the development of a budgetary incentive plan; amending s. 240.2803, F.S., clarifying the definition of auxiliary enterprises; amending s. 3, ch. 75-381, Laws of Florida; providing authority to the State Board of Administration to invest certain funds; creating the Leadership Board for Applied Research and Public Service; providing for its membership and duties; providing an appropriation for the board; providing an appropriation for the State Agency Dispute Resolution Demonstration Project; providing an effective date.

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

Section 1. Paragraph (a) of subsection (6) of section 110.131, Florida Statutes, is amended to read:

110.131 Other-personal-services temporary employment.—

(6)(a) The provisions of subsections (2), (3), and (4) do not apply to any employee for whom the Board of Regents or the Board of Trustees of the Florida School for the Deaf and the Blind is the employer as defined in s. 447.203(2); except that, for purposes of subsection (5), ~~the Board of Regents~~ and the Board of Trustees of the Florida School for the Deaf and the Blind shall comply with the recordkeeping and reporting requirements adopted by the department pursuant to subsection (3) with respect to those other-personal-services employees exempted by this subsection.

Section 2. Subsection (1) of section 228.055, Florida Statutes, is amended to read:

228.055 Regional autism centers.—

(1) Six ~~Five~~ regional autism centers are established to provide nonresidential resource and training services for persons of all ages and of all levels of intellectual functioning who have autism, as defined in s. 393.063; who have a pervasive developmental disorder that is not otherwise specified; who have an autistic-like disability; who have a dual sensory impairment; or who have a sensory impairment with other handicapping conditions. Each center shall be operationally and fiscally independent and shall provide services within its geographical region of the state. Each center shall coordinate services within and between state and local agencies and school districts but may not duplicate services provided by those agencies or school districts. The respective locations and service areas of the centers are:

(a) The Department of Communication Disorders at Florida State University, which serves Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf,

Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla, Walton, and Washington Counties.

(b) The College of Medicine at the University of Florida, which serves Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, ~~Lake~~, Levy, Marion, ~~Orange~~, ~~Osceola~~, Putnam, ~~Seminole~~, ~~Sumter~~, Suwannee, and Union Counties.

(c) The University of Florida Health Science Center at Jacksonville, which serves Baker, ~~Brevard~~, Clay, Duval, Flagler, Nassau, and St. Johns, ~~and Volusia~~ Counties. (d) The Florida Mental Health Institute at the University of South Florida, which serves Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Okeechobee, Pasco, Pinellas, Polk, St. Lucie, and Sarasota Counties.

(d) The Florida Mental Health Institute at the University of South Florida, which serves Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Okeechobee, Pasco, Pinellas, Polk, St. Lucie, and Sarasota Counties.

(e) The Mailman Center for Child Development at the University of Miami, which serves Broward, Dade, Monroe, and Palm Beach Counties.

(f) The College of Health and Public Affairs at the University of Central Florida, which serves Brevard, Lake, Orange, Osceola, Seminole, Sumter, and Volusia Counties.

Section 3. Section 235.055, Florida Statutes, is amended to read:

235.055 Construction of facilities on leased property; conditions.—

(1) ~~A board may~~ ~~Boards, including the Board of Regents, are authorized~~ to construct or place educational facilities and ancillary facilities on land which is owned by any person after the board has acquired from the owner of the land a long-term lease for the use of this land for a period of not less than 40 years or the life expectancy of the permanent facilities constructed thereon, whichever is longer.

(2) ~~A board may, including the Board of Regents, is authorized~~ to enter into a short-term lease for the use of land owned by any person on which temporary or relocatable facilities are to be utilized.

Section 4. Subsections (2), (3), and (4) of section 235.195, Florida Statutes, are amended to read:

235.195 Cooperative development and use of facilities by two or more boards.—

(2) An educational plant survey must be conducted within 90 days after submission of the joint resolution and substantiating data describing the benefits to be obtained, the programs to be offered, and the estimated cost of the proposed project. Upon completion of the educational plant survey, the participating boards may include the recommended projects in their plan as

provided in ~~s. 235.15 s. 235.16~~. Upon approval of the project by the commissioner, ~~up to 25 percent of the total cost of the project, or the pro rata share based on space utilization of 25 percent of the cost,~~ must be included in the department's legislative capital outlay budget request as provided in s. 235.41 for educational plants. The participating boards must include in their joint resolution a commitment to finance the remaining funds necessary to complete the planning, construction, and equipping of the facility. Funds from the Public Education Capital Outlay and Debt Service Trust Fund may not be expended on any project unless specifically authorized by the Legislature.

(3) ~~Included in all proposals for joint-use facilities which result in the creation of one or more new campuses for public postsecondary educational institutions~~ must be documentation that the proposed new campus or new joint-use facility has been reviewed by the Postsecondary Education Planning Commission, recommended to the State Board of Education, and has been formally requested for authorization by the Legislature in accordance with s. 240.147(8).

(4) ~~No school board, community college, or state university shall receive funding for more than one approved joint-use facility per campus in any 3-year 5-year period effective August 1, 1990. All projects previously approved under the provisions of this section shall not be affected. The first year of the 5-year period shall be the first year a board receives an appropriation.~~

Section 5. Paragraph (j) is added to subsection (10) of section 240.1201, Florida Statutes, to read:

240.1201 Determination of resident status for tuition purposes.—Students shall be classified as residents or nonresidents for the purpose of assessing tuition fees in public community colleges and universities.

(10) The following persons shall be classified as residents for tuition purposes:

(j) Active duty members of the Canadian military residing or stationed in this state under the North American Air Defense (NORAD) agreement, and their spouses and dependent children, attending a public community college or university within 50 miles of the military establishment where they are stationed.

Section 6. Subsection (4) of section 240.147, Florida Statutes, is amended to read:

240.147 Powers and duties of the commission.—The commission shall:

(4) Recommend to the State Board of Education contracts with independent institutions to conduct programs consistent with the state master plan for postsecondary education. In making recommendations, the commission shall consider the annual report submitted by the Board of Regents pursuant to ~~s. 240.209(3)(s) s. 240.209(3)(r)~~. Each program shall be reviewed, with the cooperation of the institution, every 5 years.

Section 7. Subsection (6) of section 240.205, Florida Statutes, is amended to read:

240.205 Board of Regents incorporated.—The Board of Regents is hereby created as a body corporate with all the powers of a body corporate for all the purposes created by, or that may exist under, the provisions of this chapter or laws amendatory hereof and shall:

(6) Acquire real and personal property and contract for the sale and disposal of same and approve and execute contracts for the acquisition of commodities, goods, equipment, contractual or services, including educational services for leases of real and personal property, and for construction, ~~in accordance with chapter 287, as applicable.~~ 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. The board may also acquire the same commodities, goods, equipment, contractual services, leases, and construction, ~~as designated for the board,~~ for use by a university when the contractual obligation exceeds \$1 million ~~\$500,000~~. Title to all real property, however acquired, 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, the Board of Regents shall comply with the provisions of s. 287.055 for the procurement of professional services as defined therein.

Section 8. Paragraphs (e) and (r) of subsection (3) of section 240.209, Florida Statutes, are amended, and subsection (9) is added to that section, to read:

240.209 Board of Regents; powers and duties.—

(3) The board shall:

(e) Establish student fees.

1. By no later than December 1 of each year, the board shall raise the systemwide standard for resident undergraduate matriculation and financial aid fees for the subsequent fall term, up to but no more than 25 percent of the prior year's cost of undergraduate programs. In implementing this paragraph, fees charged for graduate, medical, veterinary, and dental programs may be increased by the Board of Regents in the same percentage as the increase in fees for resident undergraduates. However, in the absence of legislative action to the contrary in an appropriations act, the board may not approve annual fee increases for resident students in excess of 10 percent. The sum of nonresident student matriculation and tuition fees must be sufficient to defray the full cost of undergraduate education. Graduate, medical, veterinary, and dental fees charged to nonresidents may be increased by the board in the same percentage as the increase in fees for nonresident undergraduates. However, in implementing this policy and in the absence of legislative action to the contrary in an appropriations act, annual fee increases for nonresident students may not exceed 25 percent. In the absence of legislative action to the contrary in the General Appropriations Act, the fees shall go into effect for the following fall term.

2. When the appropriations act requires a new fee schedule, the board shall establish a systemwide standard fee schedule required to produce the total fee revenue established in the appropriations act based on the product of the assigned enrollment and the fee schedule. The board may approve the expenditure of any fee revenues resulting from the product of the fee schedule adopted pursuant to this section and the assigned enrollment.

3. Upon provision of authority in a General Appropriations Act to spend revenue raised pursuant to this section, the board shall approve a university request to implement a matriculation and out-of-state tuition fee schedule which is calculated to generate revenue which varies no more than 10 percent from the standard fee revenues authorized through an appropriations act. In implementing an alternative fee schedule, the increase in cost to a student taking 15 hours in one term shall be limited to 5 percent. Matriculation and out-of-state tuition fee revenues generated as a result of this provision are to be expended for implementing a plan for achieving accountability goals adopted pursuant to s. 240.214(2) and for implementing a Board of Regents-approved plan to contain student costs by reducing the time necessary for graduation without reducing the quality of instruction. The plans shall be recommended by a universitywide committee, at least one-half of whom are students appointed by the student body president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie.

4. The board is authorized to collect for financial aid purposes an amount not to exceed 5 percent of the student tuition and matriculation fee per credit hour. The revenues from fees are to remain at each campus and replace existing financial aid fees. Such funds shall be disbursed to students as quickly as possible. The board shall specify specific limits on the percent of the fees collected in a fiscal year which may be carried forward unexpended to the following fiscal year. A minimum of 50 percent of funds from the student financial aid fee shall be used to provide financial aid based on absolute need. A student who has received an award prior to July 1, 1984, shall have his or her eligibility assessed on the same criteria that was used at the time of his or her original award.

5. The board may recommend to the Legislature an appropriate systemwide standard matriculation and tuition fee schedule.

6. The Education and General Student and Other Fees Trust Fund is hereby created, to be administered by the Department of Education. Funds shall be credited to the trust fund from student fee collections and other miscellaneous fees and receipts. The purpose of the trust fund is to support the instruction and research missions of the State University System. Notwithstanding the provisions of s. 216.301, and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund and shall be available for carrying out the purposes of the trust fund.

(r) Adopt such rules as are necessary to carry out its duties and responsibilities, including, but not limited to, procedures to administer an acquisition program for the purchase or lease of real and personal property and contractual services pursuant to s. 240.205(6).

(9) Notwithstanding the provisions of s. 253.025, the Board of Regents 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 a university in the State University System.

(a) The board may secure appraisals and surveys. The board shall comply with the rules of the Board of Trustees of the Internal Improvement Trust Fund in securing appraisals. Whenever the board 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 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 or 10 percent of the value of the parcel, whichever is greater, unless otherwise authorized by the board.

(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 the board shall vest in the Board of Trustees of the Internal Improvement Trust Fund.

Section 9. Subsections (1) and (3) of section 240.2097, Florida Statutes, are amended to read:

240.2097 Education programs, limited access status; transfer students; student handbook; rules.—The Board of Regents shall adopt rules to include the following provisions:

(1) The criteria for assigning limited access status to an educational program shall be delineated. A process for the periodic review of programs shall be identified so that the board can determine the need for retention or removal of limited access status. ~~The board shall provide in a report to the Legislature, by institution, a list of all limited access programs, the minimum admission standards for each program, and a copy of the most recent review demonstrating the need for retention of limited access status. Such report shall be submitted by December 1, 1990, and annually thereafter.~~

(3) Each university shall review compile and update as necessary annually a student handbook that includes, but is not limited to, ~~a comprehensive calendar that emphasizes important dates and deadlines,~~ student rights and responsibilities, appeals processes available to students, a roster of contact persons within the administrative staff available to respond to student inquiries, and a statement as to the State University System policy on acquired immune deficiency syndrome including the name and telephone number of the university acquired immune deficiency syndrome counselor.

Each student handbook must include a statement displayed prominently which provides that the university will not tolerate the sale, possession, or use of controlled substances, with the exception of medication prescribed by a physician and taken in accordance with the prescribed usage, nor will the university tolerate the consumption of alcoholic beverages by students younger than 21 years of age or the sale of alcoholic beverages to students younger than 21 years of age. Each student handbook must also list the legal and university-specific sanctions that will be imposed upon students who violate the law or university policies regarding controlled substances and alcoholic beverages.

Section 10. Section 240.214, Florida Statutes, is amended to read:

240.214 State University System accountability process.—It is the intent of the Legislature that an accountability process be implemented which provides for the systematic, ongoing evaluation of quality and effectiveness in the State University System. It is further the intent of the Legislature that this accountability process monitor performance at the system level in each of the major areas of instruction, research, and public service, while recognizing the differing missions of each of the state universities. The accountability process shall provide for the adoption of systemwide performance standards and performance goals for each standard identified through a collaborative effort involving the State University System, the Legislature, and the Governor's Office. These standards and goals shall be consistent with s. 216.011(1) to maintain congruity with the performance-based budgeting process. This process requires that university accountability reports reflect measures defined through performance-based budgeting. The performance-based budgeting measures must also reflect the elements of teaching, research, and service inherent in the missions of the institutions in the State University System. The accountability process shall result in an annual accountability report to the Legislature.

~~(1) The annual accountability report shall include goals and measurable objectives related to the systemwide strategic plan pursuant to s. 240.209. The plan must include, at a minimum, objectives related to the following measures:~~

- ~~(a) Total student credit hours;~~
- ~~(b) Total number of contact hours of instruction produced by faculty, by institution, rank, and course level;~~
- ~~(c) Pass rates on professional licensure examinations, by institution;~~
- ~~(d) Institutional quality as assessed by followup, such as analyses of employment information on former students, national rankings, and surveys of alumni, parents, clients, and employers;~~
- ~~(e) Length of time and number of academic credits required to complete an academic degree, by institution and by degree;~~
- ~~(f) Enrollment, progression, retention, and graduation rates by race and gender;~~

~~(g) Student course demand;~~

~~(h) An analysis of administrative and support functions;~~

~~(i) Every 3 years, beginning 1995-1996, an analysis of the cumulative debt of students; and~~

~~(j) An evaluation of the production of classroom contact hours at each university in comparison to a standard of 12 contact hours per term or 32 contact hours per year for each full-time instructional position and the level of funding provided for instruction.~~

~~(1)(2)~~ By December 31 of each year, the Board of Regents shall submit an the annual accountability report providing information on the implementation of performance standards, actions taken to improve university achievement of performance goals, the achievement of performance goals during the prior year, and initiatives to be undertaken during the next year. The accountability reports shall be designed in consultation with the Governor's Office, the Office of the Auditor General, and the Legislature.

~~(2)(3)~~ The Board of Regents shall recommend in the annual accountability report any appropriate modifications to this section.

Section 11. Subsections (12) and (13) of section 240.227, Florida Statutes, are amended to read:

240.227 University presidents; powers and duties.—The president is the chief administrative officer of the university and is responsible for the operation and administration of the university. Each university president shall:

(12) Approve and execute contracts for the acquisition of commodities, goods, for equipment, for services, including educational services, for leases of for real and personal property, and for construction to be rendered to or by the university, provided such contracts are made pursuant to rules of the Board of Regents the provisions of chapter 287, as applicable, are for the implementation of approved programs of the university, and do not require expenditures in excess of \$1 million \$500,000. The acquisition Goods and equipment may be made acquired by installment or lease-purchase contract. Such contracts may provide for the payment of interest on the unpaid portion of the purchase price. Notwithstanding any other provisions of this subsection, university presidents shall comply with the provisions of s. 287.055 for the procurement of professional services and may approve and execute all contracts for planning, construction, and equipment for projects with building programs and construction budgets approved by the Board of Regents.

(13) Manage the property and financial resources of the university, including, but not limited to, having the authority to adjust property records and dispose of state-owned tangible personal property in the university's custody in accordance with procedures established by the Board of Regents. 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 pursuant to s. 240.225.

Section 12. Subsection (16) is added to section 240.241, Florida Statutes, to read:

240.241 Divisions of sponsored research at state universities.—

(16) Notwithstanding the provisions of s. 216.351, section 216.346 does not apply to contracts or subcontracts between state universities, between community colleges, or between state universities and community colleges.

Section 13. Section 240.2605, Florida Statutes, is amended to read:

240.2605 Trust Fund for Major Gifts.—

(1) There is established a Trust Fund for Major Gifts. The purpose of the ~~Such trust fund is to enable~~ shall provide the Board of Regents Foundation, each university, and New College ~~with the opportunity~~ to provide donors with an incentive in the form of matching grants for donations for the establishment of permanent endowments, which must ~~shall~~ be invested, with the proceeds of the investment used to support libraries and instruction and research programs, as defined by procedure rule of the Board of Regents. All funds appropriated for the challenge grants, new donors, major gifts, or eminent scholars program must ~~shall~~ be deposited into the trust fund and invested pursuant to ~~the provisions of~~ s. 18.125 until the Board of Regents allocates the ~~such~~ funds to universities to match private donations. ~~Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351,~~ any undisbursed balance remaining in the trust fund and interest income accruing to the portion of the trust fund which is not matched and distributed to universities must remain in the trust fund and used to ~~shall~~ increase the total funds available for challenge grants. The Board of Regents may authorize any university to encumber the state matching portion of a challenge grant from funds available under s. 240.272.

(2) The Board of Regents shall specify the process for submission, documentation, and approval of requests for matching funds, accountability for endowments and proceeds of endowments, allocations to universities, restrictions on the use of the proceeds from endowments, and criteria used in determining the value of donations.

(3)(a) The Board of Regents shall allocate the amount appropriated to the trust fund shall be allocated by the Board of Regents to the Board of Regents Foundation, each university, and New College based on the amount of the donation and the restrictions applied to the donation.

(b) Donations for a specific purpose must be ~~are~~ matched in the following manner:

1. The Board of Regents Foundation and each university that raises at least \$100,000 but no more than \$599,999 from a private source must ~~shall~~ receive a matching grant equal to 50 percent of the private contribution.

2. The Board of Regents Foundation and each university that raises a contribution of at least \$600,000 but no more than \$1 million from a private source ~~must shall~~ receive a matching grant equal to 70 percent of the private contribution.

3. The Board of Regents Foundation and each university that raises a contribution in excess of \$1 million but no more than \$1.5 million from a private source ~~must shall~~ receive a matching grant equal to 75 percent of the private contribution.

4. The Board of Regents Foundation and each university that raises a contribution in excess of \$1.5 million but no more than \$2 million from a private source ~~must shall~~ receive a matching grant equal to 80 percent of the private contribution.

5. The Board of Regents Foundation and each university that raises a contribution in excess of \$2 million from a private source ~~must shall~~ receive a matching grant equal to 100 percent of the private contribution.

(c) The Board of Regents shall encumber state matching funds for any pledged contributions, pro rata, based on the requirements for state matching funds as specified for the particular challenge grant and the amount of the private donations actually received by the university or Board of Regents Foundation for the respective challenge grant.

(4) Matching funds may be provided for contributions encumbered or pledged under the Florida Endowment Trust Fund for Eminent Scholars Act prior to July 1, 1994, and for donations or pledges of any amount equal to or in excess of the prescribed minimums which are pledged for the purpose of this section.

(5)(a) The Board of Regents Foundation, each university foundation, and New College Foundation shall establish a challenge grant account for each challenge grant as a depository for private contributions and state matching funds to be administered on behalf of the Board of Regents, the university, or New College. State matching funds ~~must shall~~ be transferred to a university foundation or New College Foundation upon notification that the university or New College has received and deposited the amount specified in this section in a foundation challenge grant account.

(b) The foundation serving a university and New College Foundation ~~each has shall have~~ the responsibility for the maintenance and investment of its challenge grant account and for the administration of the program on behalf of the university or New College, pursuant to procedures specified by the Board of Regents. Each foundation shall include in its annual report to the Board of Regents information concerning collection and investment of matching gifts and donations and investment of the account.

(c) A donation of at least \$600,000 and associated state matching funds may be ~~used to designate designated as~~ an Eminent Scholar Endowed Chair pursuant to procedures specified by the Board of Regents.

(6) The donations, state matching funds, or proceeds from endowments established ~~under pursuant to~~ this section ~~may shall~~ not be expended for the

construction, renovation, or maintenance of facilities or for the support of intercollegiate athletics.

(7) The Board of Regents Foundation may participate in the same manner as a university foundation with regard to the provisions of this section.

Section 14. Subsection (9) of section 240.281, Florida Statutes, is amended to read:

240.281 Deposit of funds received by institutions and agencies in the State University System.—All funds received by any institution or agency in the State University System, from whatever source received and for whatever purpose, shall be deposited in the State Treasury subject to disbursement in such manner and for such purposes as the Legislature may by law provide. The following funds shall be exempt from the provisions of this section and, with the approval of the Board of Regents, may be deposited outside the State Treasury:

(9) Such other funds as may be approved by the Board of Regents and the Executive Office of the Governor subject to the review provisions of s. 216.177.

Section 15. Present subsection (4) of section 243.151, Florida Statutes, is renumbered as subsection (5), present subsection (3) is renumbered as subsection (4) and amended, and a new subsection (3) is added to that section, to read:

243.151 Lease agreements; land, facilities.—

(3) Upon approval by the Board of Regents, a university may:

(a) Construct educational facilities on land that is owned by a direct-support organization, as defined in s. 240.299, or a governmental agency at the federal, state, county, or municipal level, if the university has acquired a long-term lease for the use of the land. The lease must be for at least 40 years or the expected time the facilities to be constructed on the land are expected to remain in a condition acceptable for use, whichever is longer.

(b) Acquire a short-term lease from one of the entities listed in paragraph (a) for the use of land, if adequate temporary or relocatable facilities are available on the land.

(c) Enter into a short-term lease for the use of land and buildings upon which capital improvements may be made.

If sufficient land is not available from any of the entities listed in paragraph (a), a university may acquire a short-term lease from a private landowner or developer.

(4)(3) Agreements as provided in this section shall be entered into with an offeror resulting from publicly announced competitive bids or proposals, except that the university may enter into an agreement with an entity enumerated in paragraph (3)(a) for leasing land or with a direct-support

organization as provided in s. 240.299, which shall enter into subsequent agreements for financing and constructing the project after receiving competitive bids or proposals. Any facility constructed, lease-purchased, or purchased under such agreements, whether erected on land under the jurisdiction of the university or not, shall conform to the construction standards and codes applicable to university facilities. The Board of Regents shall adopt such rules as are necessary to carry out its duties and responsibilities imposed by this section.

Section 16. Subsection (1) of section 287.012, Florida Statutes, is amended to read:

287.012 Definitions.—The following definitions shall apply in this part:

(1) “Agency” means any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government. “Agency” does not include the Board of Regents or the State University System.

Section 17. Section 240.247, subsection (4) of section 240.4988, subsection (3) of section 287.017, and section 240.225, Florida Statutes, are repealed.

Section 18. Section 240.2475, Florida Statutes, is amended to read:

240.2475 State University System employment equity accountability program.—

~~(1) No later than August 1, 1992, Each state university shall maintain an annual equity develop a plan for appropriate representation increasing the number of women and minorities in senior-level administrative positions, within tenure-track faculty, and within faculty granted tenure. Such plan shall be maintained until appropriate representation has been achieved. As used in this subsection, the term:~~

~~(a) “Appropriate representation” means category employment representation that at least meets comparable national standards for at least two consecutive reporting periods.~~

~~(b) “Category” means major executive, administrative, and professional grouping, including senior-level administrative and professional positions, senior academic administrative-level positions, and tenure-track faculty for increasing the number of women and minorities in ranked faculty positions, and for increasing the number of women and minorities granted tenure. The plan must include specific measurable goals and objectives, specific strategies for accomplishing these goals and objectives, a time period for accomplishing these goals and objectives, and comparative national standards. The plan shall be submitted to the Legislature on or before September 1, 1992.~~

(2)(a) By April 1 ~~October 31~~ of each year, each state university president shall submit an annual equity accountability report to the Chancellor and

~~the Board of Regents. The equity report shall consist of a status update, an analysis, and a status report of selected personnel transactions. As used in this paragraph, the term, "selected personnel transactions" means new hires in, promotions into, tenure actions in, and terminations from a category. Each university shall provide the job classification title, gender, race, and appointment status of selected personnel transactions. The status update shall assess underrepresentation in each category. The status report shall consist of current category employment representation, comparable national standards, an evaluation of representation, and annual goals to address underrepresentation, which shows the number of administrative positions in the faculty and in the administrative and professional pay plans which were filled in the previous fiscal year. Administrative positions include faculty positions that, in whole or in part, are defined as academic administration under standard practice CM 87-17.1 and positions in the administrative and professional pay plans that are defined as administrative positions under the Board of Regents' classification of occupational groupings. The report must include the following information pertaining to the employees hired in those positions:~~

- ~~1. Job classification title;~~
- ~~2. Gender;~~
- ~~3. Ethnicity;~~
- ~~4. Appointment status pursuant to chapter 6C-5.105, Florida Administrative Code;~~
- ~~5. The salary at which the individual was hired;~~
- ~~6. Comparative information including, but not limited to, composite information regarding the total number of positions within the particular job title classification for the university by race, gender, and the average salary or salary range, where applicable, compared to the number of new hires;~~
- ~~7. Guidelines for ensuring a gender-balanced and ethnically balanced selection committee for each vacancy;~~
- ~~8. Steps taken to develop a diverse pool of candidates for each vacancy; and~~
- ~~9. An assessment of the university's accomplishment of annual goals and of long-range goals for hiring and promoting women and minorities in senior-level administrative positions.~~

(b) After 1 year of implementation of a plan, and annually thereafter, for those categories in which prior year goals were not achieved, each university shall provide, in its annual equity report, a narrative explanation and a plan for achievement of equity. The plan shall include guidelines for ensuring balanced membership on selection committees and specific steps for developing a diverse pool of candidates for each vacancy in the category. The plan shall also include a systematic process by which those responsible for hiring are provided information and are evaluated regarding their responsibilities

~~pursuant to this section. Each university's equity accountability report must also include the following information pertaining to candidates formally applying for tenure:~~

- ~~1. Rank;~~
- ~~2. Gender;~~
- ~~3. Ethnicity;~~
- ~~4. The salary at which the individual was hired; and~~
- ~~5. Comparative information including, but not limited to, composite information regarding the total number of positions within the particular classification for the university by race, gender, and the average salary or salary range, where applicable, compared to the number of new hires.~~

~~(c) The equity report shall include an analysis and assessment of the university's accomplishment of annual goals, as specified in the university's affirmative action plan, for increasing the representation of women and minorities in tenure-earning and senior-level administrative positions. The report must also include:~~

- ~~1. The requirements for achieving tenure;~~
- ~~2. The gender and ethnic composition of the committees that review tenure recommendations at the department, college, and university levels;~~
- ~~3. Guidelines for ensuring the equitable distribution of assignments that would enhance tenure opportunities for women and minority faculty; and~~
- ~~4. Guidelines for obtaining feedback on the annual progress towards achievement of tenure by women and minorities.~~

~~(d) The equity report shall also include the current rank, race, and gender of faculty eligible for tenure in a category. In addition, each university shall report representation of the pool of tenure-eligible faculty at each stage of the transaction process, and provide certification that each eligible faculty member was appraised annually of progress toward tenure. Each university shall also report on the dissemination of standards for achieving tenure; racial and gender composition of committees reviewing recommendations at each transaction level; and dissemination of guidelines for equitable distribution of assignments.~~

~~(3)(a) A factor in the evaluation of university presidents, vice presidents, deans, and chairpersons shall be their annual progress in achieving the annual and long-range hiring and promotional goals and objectives, as specified in the university's equity plan and affirmative action plan. Annual budget allocations for positions and funding shall be based on this evaluation. A summary of such evaluations. Such evaluation shall be submitted to the Chancellor and the Board of Regents as part of the university's annual equity report.~~

(b) Beginning January 1994, The Chancellor and the Board of Regents shall annually evaluate the performance of the university presidents in achieving the annual equity and long-term goals and objectives. A summary of the results of such evaluations shall be included as part of the annual equity progress report submitted by the Board of Regents to the Legislature and the State Board of Education.

(4) The Board of Regents shall submit an annual equity progress report to the President of the Senate, the Speaker of the House of Representatives, Legislature and the State Board of Education on or before August December 1 of each year.

~~(5) Each university shall develop a budgetary incentive plan to support and ensure attainment of the goals developed pursuant to this section. The plan shall specify, at a minimum, how resources shall be allocated to support the achievement of goals and the implementation of strategies in a timely manner. After prior review and approval by the university president and the Board of Regents, the plan shall be submitted as part of the annual equity report submitted by each university to the Board of Regents. Effective July 1, 1993, positions that become vacant in the faculty or the administrative and professional pay plans at a university shall be transferred into a pool at that university to be allocated by the administration to departments to reward department managers for attaining equity goals. Each university president shall develop rules regarding the filling of vacant positions and the transferring of positions into the pool. Such rules must provide for a total cap on the vacant position pool at 10 percent of the number of vacant positions for the university as of the date of the preparation of the initial operating budget for each year. The rule must also provide that the number of positions to be transferred into the vacant position pool, at the departmental level, may not exceed 10 percent of the total number of authorized positions for the department as of the date of the preparation of the initial operating budget for each year. Subject to available funding, the Legislature shall provide an annual appropriation to be allocated to the department managers in recognition of the attainment of equity goals and objectives.~~

(6) Relevant components of each university's affirmative action plan may be used to satisfy the requirements of this section.

(7) Subject to available funding, the Legislature shall provide an annual appropriation to the Board of Regents to be allocated to the universities to further enhance equity initiatives and related priorities that support the mission of departments, divisions, or colleges in recognition of the attainment of equity goals and objectives.

Section 19. Section 240.3355, Florida Statutes, is amended to read:

240.3355 Community College System employment equity accountability program.—

~~(1) No later than May 1, 1993, Each community college shall include in its annual equity update plan must include a plan for increasing the representation number of women and minorities in senior-level administrative~~

~~positions and, for increasing the number of women and minorities in full-time ranked faculty positions, and for increasing the representation number of women and minorities who have attained continuing-contract status. Positions shall be defined in the personnel data element directory of the Division of Community Colleges. The plan must include specific measurable goals and objectives, specific strategies and timelines for accomplishing these goals and objectives, and comparable national standards as provided by the Division of Community Colleges a time period for accomplishing these goals and objectives. The goals and objectives shall be based on meeting or exceeding comparable national standards and shall be reviewed and recommended by the State Board of Community Colleges as appropriate. Such plans shall be maintained until appropriate representation has been achieved and maintained for at least 3 consecutive reporting years.~~

(2)(a) ~~On or before May 1 of each year, each community college president shall submit an the annual employment accountability plan equity update to the Executive Director of the State Board of Community Colleges. The accountability plan equity update must show faculty and administrator employment data according to requirements specified on the federal Equal Employment Opportunity (EEO-6) report the number of deans, associates, assistant deans, vice presidents, associate and assistant presidents, provosts, legal counsel, and similar administrative positions which were filled in the previous 12-month period. Administrative positions include faculty positions that, in whole or in part, are defined as academic administration by rule and positions that are defined as administrative positions under the Community College System's classification of occupational groupings.~~

(b) ~~The plan report must show the following information for those positions including, but not limited to:~~

1. ~~Job classification title,;~~
2. ~~Gender,;~~
3. ~~Ethnicity,;~~
4. ~~Appointment status,;~~
5. ~~Salary information. At each community college, salary information shall also include including the salary ranges in which new hires were employed compared to the salary ranges for employees with comparable experience and qualifications. at which the individual was hired compared to the salary range for the respective position and to other employees in the same job title classification;~~
6. ~~Other comparative information including, but not limited to, composite information regarding the total number of positions within the particular job title classification for the community college by race, gender, and salary range compared to the number of new hires,;~~
7. ~~A statement certifying diversity and balance in the gender and ethnic composition of the selection committee for each vacancy, including a brief description of guidelines used for ensuring balanced and diverse membership on selection and review committees,;~~

8. ~~Steps taken to develop a diverse pool of candidates for each vacancy; and~~

(c)9. The annual employment accountability plan shall also include an analysis and an assessment of the community college's attainment accomplishment of annual goals and of long-range goals for increasing the number of women and minorities in faculty and senior-level administrative positions, and a corrective action plan for addressing underrepresentation.

(d)(e) Each community college's employment equity accountability plan report must also include:

1. ~~The requirements for receiving a continuing contract.;~~
2. ~~A brief description of the process used to grant The gender and ethnic composition of the committees that review continuing-contract status, recommendations;~~
3. A brief description of the process used to annually apprise each eligible faculty member of progress toward attainment of continuing-contract status. The enhancement of continuing-contract opportunities for women and minority faculty; and
4. ~~Written documentation of feedback on the annual progress towards achievement of continuing-contract status by women and minorities.~~

(3) Community college presidents and the heads of each major administrative division shall be evaluated annually on the progress made toward meeting the goals and objectives of the community college's employment accountability equity update plan.

(a) The community college presidents, or the president's designee, shall annually evaluate each department chairperson, dean, provost, and vice president in achieving the annual and long-term goals and objectives. A summary of the results of such evaluations shall be reported annually by the president of the community college to the board of trustees. Annual budget allocations by the board of trustees for positions and funding must take into consideration these evaluations ~~this evaluation.~~

(b) ~~Beginning January 1994,~~ Community college district boards of trustees shall annually evaluate the performance of the community college presidents in achieving the annual and long-term goals and objectives. A summary of the results of such evaluations shall be reported to the Executive Director of the State Board of Community Colleges as part of the community college's annual employment accountability plan, and to the Legislature and State Board of Education as part of the annual equity progress report submitted by the State Board of Community Colleges.

(4)(e) The State Board of Community Colleges shall submit an annual equity progress report to the President of the Senate, the Speaker of the House of Representatives, Legislature and the State Board of Education on or before January December 1 of each year.

(5) Each community college shall develop a budgetary incentive plan to support and ensure attainment of the goals developed pursuant to this section. The plan shall specify, at a minimum, how resources shall be allocated to support the achievement of goals and the implementation of strategies in a timely manner. After prior review and approval by the community college president and the State Board of Community Colleges, the plan shall be submitted as part of the annual employment accountability plan submitted by each community college to the State Board of Community Colleges.

(6)(4) Subject to available funding, the Legislature shall provide an annual appropriation to the State Board of Community Colleges to be allocated to community college presidents, faculty, and administrative personnel to further enhance equity initiatives and related priorities that support the mission of colleges and departments the department managers in recognition of the attainment of the equity goals and objectives.

Section 20. Subsection (1) of s. 240.2803, Florida Statutes, is amended to read:

240.2803 Auxiliary enterprises; contracts, grants, and donations; definitions.—As used in s. 19(f)(3), Art. III of the State Constitution, the term:

(1) “Auxiliary enterprises” includes activities that directly or indirectly provide a product or a service, or both, to a university or its students, faculty, or staff and for which a charge is made is charged a fee related to, but not necessarily in an amount that will cover, the cost of the service. These auxiliary enterprises are business activities of a university which require no support from the General Revenue Fund generally self-sufficient operations, and include activities such as housing, bookstores, student health services, continuing education programs, food services, college stores, operation of vending machines, specialty shops, day care centers, golf courses, student activities programs, data center operations, and financial aid programs, intercollegiate athletics programs, and other programs for which the funds are deposited outside the State Treasury.

Section 21. Section 3 of chapter 97-381, Laws of Florida, is amended to read:

Section 3. When the Department of Insurance receives a \$6 million settlement as specified in the Consent Order of the Treasurer and Insurance Commissioner, case number 18900-96-c, that portion of the \$6 million not used to satisfy the requirements of section 18 of the Consent Order must be transferred from the Insurance Commissioner’s Regulatory Trust Fund to the State Student Financial Assistance Trust Fund is appropriated from the State Student Financial Assistance Trust Fund to provide Ethics in Business scholarships to students enrolled in public community colleges and independent postsecondary education institutions eligible to participate in the Florida Resident Access Grant Program under section 240.605, Florida Statutes. The funds shall be allocated to institutions for scholarships in the following ratio: Two-thirds for community colleges and one-third for eligible independent institutions. The Department of Education shall administer the scholarship program for students attending community colleges and independent institutions. These funds must be allocated to institutions that

provide an equal amount of matching funds generated by private donors for the purpose of providing Ethics in Business scholarships. Public funds may not be used to provide the match, nor may funds collected for other purposes. Notwithstanding any other provision of law, the State Board of Administration shall have the authority to invest the funds appropriated under this section. The Department of Education may adopt rules for administration of the program.

Section 22. (1) There is created the Leadership Board for Applied Research and Public Service to be staffed by the Institute of Science and Public Affairs at Florida State University. The purpose of the board is to focus, coordinate, and maximize university resources on current issues and events affecting Florida's residents and elected officials. Emphasis shall be placed on being responsive to and providing accurate, timely, useful, and relevant information to decisionmakers in state and local governments. The board shall set forth a process to provide comprehensive guidance and advice for improving the types and quality of services to be delivered by the State University System. Specifically, the board shall better identify and define the missions and roles of existing institutes and centers within the State University System, work to eliminate duplication and confusion over conflicting roles and missions, involve more students in learning with applied research and public service activities, and be organizationally separate from academic departments. The board shall meet at least quarterly. The board may create internal management councils that may include working institute and center directors. The board is responsible for, but is not limited to:

(a) Providing strategic direction, planning, and accompanying decisions that support a coordinated applied public service and research approach in the state.

(b) Addressing State University System policy matters and making recommendations to the Board of Regents as they relate to applied public service and research.

(c) Serving as a clearinghouse for services requested by public officials.

(d) Providing support for funding and fiscal initiatives involving applied public service and research.

(2) Membership of the board shall be:

(a) The Chancellor of the Board of Regents, who shall serve as chair.

(b) The director of the Office of Planning and Budgeting of the Executive Office of the Governor.

(c) The Secretary of the Department of Management Services.

(d) The Director of Economic and Demographic Research.

(e) The Director of the Office of Program Policy Analysis and Government Accountability.

(f) The President of the Florida League of Cities.

(g) The President for the Florida Association of Counties.

(h) The President of the Florida School Board Association.

(i) Five additional university president members, designated by the Chancellor, to rotate annually.

(3) The board shall prepare a report for the Board of Regents to be submitted to the Governor and the Legislature by January 1 of each year which summarizes the work and recommendations of the board in meeting its purpose and mission.

Section 23. For the 1998-1999 fiscal year, a recurring sum of \$450,000 is appropriated from the General Revenue Fund to the Leadership Board for Applied Research and Public Service.

Section 24. For the 1998-1999 fiscal year, \$200,000 is appropriated from the General Revenue Fund to the State Agency Dispute Resolution Demonstration Project at Florida State University.

Section 25. This act shall take effect July 1, 1998.

Approved by the Governor May 20, 1998.

Filed in Office Secretary of State May 20, 1998.